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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2018/929

of 25 June 2018

on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), in conjunction with point (a) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2018/404 ⁽²⁾, the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020 ('the Agreement') was signed on 15 March 2018, subject to its conclusion at a later date.
- (2) Regulation (EU) No 515/2014 of the European Parliament and of the Council ⁽³⁾ provides that the countries associated with the implementation, application and development of the Schengen *acquis* participate in the instrument for financial support for external borders and visa, and that arrangements are to be concluded on their financial contributions and the supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the powers of audit of the Court of Auditors.
- (3) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽⁴⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

⁽¹⁾ Consent of the European Parliament given on 13 March 2018 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2018/404 of 13 March 2018 on the signing, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020 (OJ L 74, 16.3.2018, p. 1).

⁽³⁾ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

⁽⁴⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

- (5) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽¹⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (6) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020 is hereby approved on behalf of the Union ⁽²⁾.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 19(2) of the Agreement, in order to express the consent of the European Union to be bound by the Agreement.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 25 June 2018.

For the Council
The President
N. DIMOV

⁽¹⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020**

THE EUROPEAN UNION, hereinafter referred to as 'the Union'

and

THE SWISS CONFEDERATION, hereinafter referred to as 'Switzerland',

Hereinafter referred to jointly as 'the Parties'

HAVING REGARD to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾ ('Association Agreement with Switzerland'),

Whereas:

- (1) The Union established the instrument for financial support for external borders and visa, as part of the Internal Security Fund by means of Regulation (EU) No 515/2014 of the European Parliament and of the Council ⁽²⁾.
- (2) Regulation (EU) No 515/2014 constitutes a development of the Schengen *acquis* within the meaning of the Association Agreement with Switzerland.
- (3) As Regulation (EU) No 514/2014 of the European Parliament and of the Council ⁽³⁾ has a direct impact on the application of the provisions of Regulation (EU) No 515/2014, thus affecting the latter's legal framework, and as the procedures set out in the Association Agreement with Switzerland have been applied for the adoption of Regulation (EU) No 514/2014 which was notified to Switzerland, the Parties acknowledge that Regulation (EU) No 514/2014 constitutes a development of the Schengen *acquis* within the meaning of the Association Agreement with Switzerland insofar as it is necessary for the implementation of Regulation (EU) No 515/2014.
- (4) Article 5(7) of Regulation (EU) No 515/2014 provides that the countries associated with the implementation, application and development of the Schengen *acquis* – among which Switzerland – participate in the instrument in accordance with its provisions and that arrangements are to be concluded to specify financial contributions by those countries and supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the power of audit of the Court of Auditors.
- (5) The instrument for financial support for external borders and visa, as part of the Internal Security Fund ('the ISF – Borders and Visa') constitutes a specific instrument in the context of the Schengen *acquis* designed to provide for burden sharing and financial support in the field of external borders and visa policy in Member States and associated States.
- (6) Article 60 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁴⁾ provides for rules on indirect management that are applicable where third countries, including associated States, are entrusted with budget implementation tasks.
- (7) Article 17(4) of Regulation (EU) No 514/2014 provides for the eligibility of expenditure incurred in 2014 by a Responsible Authority not yet formally designated, thereby ensuring a smooth transition between the External Borders Fund and the Internal Security Fund. Similarly it is important that the same concern be reflected in this Agreement. Given that this Agreement did not come into force before the end of 2014, it is essential to ensure the eligibility of expenditure incurred before and until the formal designation of the Responsible Authority, provided that the management and control systems applied before are essentially the same as the ones in force after the formal designation of the Responsible Authority.

⁽¹⁾ OJ L 53, 27.2.2008, p. 52.

⁽²⁾ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

⁽³⁾ Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (OJ L 150, 20.5.2014, p. 112).

⁽⁴⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1) as last amended by Regulation (EU, Euratom) No 547/2014 of 15 May 2014 (OJ L 163, 29.5.2014, p. 18).

- (8) To facilitate the calculation and use of the annual contributions due by Switzerland to the ISF–Borders and Visa, its contributions for the period 2014-2020 will be paid in five annual instalments from 2016 to 2020. From 2016 to 2018, the annual contributions are set in fixed amounts while the contribution due for the years 2019 and 2020 will be determined in 2019 on the basis of the gross domestic product of all States participating in the ISF–Borders and Visa taking into account the payments effectively made,

HAVE AGREED AS FOLLOWS:

Article 1

Scope

This Agreement sets out the supplementary rules necessary for the participation of Switzerland in the ISF – Borders and Visa in accordance with Regulation (EU) No 515/2014.

Article 2

Financial management and control

1. Switzerland shall take the necessary measures to ensure compliance with the provisions relevant to the financial management and control which are laid down in the Treaty on the Functioning of the European Union ("TFEU") and in Union law which derives its legal basis from the TFEU.

The provisions of the TFEU and of the secondary law referred to in the first sub- paragraph are the following:

- (a) Article 287(1), (2) and (3) TFEU;
- (b) Articles 30, 32 and 57, point (i) of Article 58(1)(c), Article 60 and Articles 79(2) and 108(2) of Regulation (EU, Euratom) No 966/2012;
- (c) Articles 32, 38, 42, 84, 88, 142 and 144 of Commission Delegated Regulation (EU) No 1268/2012 ⁽¹⁾;
- (d) Council Regulation (Euratom, EC) No 2185/96 ⁽²⁾;
- (e) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽³⁾.

The Parties may decide to amend this list by mutual agreement.

2. Switzerland shall apply the provisions referred to in paragraph 1 in its territory in accordance with this Agreement.

Article 3

Respect for the principle of sound financial management

The funds allocated to Switzerland under the ISF–Borders and Visa shall be used in accordance with the principle of sound financial management.

Article 4

Respect for the principle on conflict of interest

All financial actors and any other person involved in budget implementation and management, including acts preparatory thereto, audit or control acting in the territory of Switzerland shall be prohibited from taking any action which may bring their own interests into conflict with those of the Union.

⁽¹⁾ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

⁽²⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁽³⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

*Article 5***Enforcement**

Decisions taken by the Commission which impose a pecuniary obligation on persons other than states shall be enforceable in the territory of Switzerland.

Enforcement shall be governed by the rules of civil procedure in force in Switzerland. The order for enforcement of a decision shall be appended to that decision, without any formality other than the verification of the authenticity of the decision, by the national authority which the government of Switzerland shall designate for that purpose and shall make known to the Commission.

Once those formalities have been completed on application by the Commission, the Commission may proceed to enforcement in accordance with national law by bringing the matter directly before the competent authority.

Enforcement may be suspended only by a decision of the Court of Justice of the European Union. However, the courts of Switzerland shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

*Article 6***Protection of the financial interests of the Union against fraud**

1. Switzerland shall:

- (a) counter fraud and any other illegal activities affecting the financial interests of the Union through measures which shall act as a deterrent and be such as to afford effective protection in Switzerland;
- (b) take the same measures to counter fraud affecting the financial interests of the Union as it takes to counter fraud affecting its own financial interests; and
- (c) coordinate its action aimed at protecting the financial interests of the Union with the Member States and the Commission.

2. Switzerland shall adopt equivalent measures to those adopted by the Union in accordance with Article 325(4) TFEU which are in force at the date of signature of this Agreement.

The Parties may decide by mutual agreement to adopt equivalent measures to any subsequent measures adopted by the Union in accordance with that Article.

*Article 7***On-the spot checks and inspections by the Commission (OLAF)**

Without prejudice to its rights under Article 5(8) of Regulation (EU) No 514/2014, the Commission (the European Anti-Fraud Office OLAF) shall be authorised to carry out on-the spot checks and inspections in the territory of Switzerland as regards the ISF – Borders and Visa in accordance with the terms and conditions laid down in Regulation (Euratom, EC) No 2185/96.

The authorities of Switzerland shall facilitate on-the-spot checks and inspections which may, if those authorities so wish, be carried out jointly with them.

*Article 8***Court of Auditors**

In accordance with Article 287(3) TFEU and with Part One, Title X, chapter 1 of Regulation (EU, Euratom) No 966/2012, the Court of Auditors shall have the possibility to perform audits on the premises of any body which manages revenue or expenditure on behalf of the Union in the territory of Switzerland as regards the ISF – Borders and Visa including on the premises of any natural or legal person in receipt of payments from the budget.

In Switzerland, audits by the Court of Auditors shall be carried out in liaison with national audit bodies or, if they do not have the necessary powers, with the competent national departments. The Court of Auditors and the national audit bodies of Switzerland shall cooperate in a spirit of trust while maintaining their independence. Those bodies or departments shall inform the Court of Auditors whether they intend to take part in the audit.

The Court of Auditors shall have at least the same rights as the Commission as laid down in Article 5(7) of Regulation (EU) No 514/2014 and Article 7 of this Agreement.

Article 9

Public procurement

Switzerland shall apply its national law on public procurement in accordance with the provisions of Annex 4 to the Agreement Establishing the World Trade Organization (Agreement on Government Procurement) ⁽¹⁾ and the Agreement between the European Community and the Swiss Confederation on certain aspects of government procurement ⁽²⁾.

Switzerland shall provide the Commission with a description of its public procurement procedures.

Moreover, it shall provide information on the public procurement procedures applied in each annual implementation report referred to in Article 54 of Regulation (EU) No 514/2014.

Article 10

Financial contributions

1. For the years 2016 to 2018, Switzerland shall make annual payments to the budget of the ISF-Borders and Visa in accordance with the following table:

(All amounts in EUR)

	2016	2017	2018
Switzerland	25 106 140	25 106 140	25 106 140

2. The contributions of Switzerland for the years 2019 and 2020 shall be calculated in accordance with its respective Gross Domestic Product (GDP) as a percentage of the GDP of all States participating in the ISF – Borders and Visa in accordance with the formula described in the Annex.

3. The financial contributions referred to in this Article shall be due by Switzerland irrespective of the date of adoption of its national programme referred to Article 14 of Regulation (EU) No 514/2014.

Article 11

Use of financial contributions

1. The total of the annual payments for 2016 and 2017 shall be assigned as follows:

- (a) 75 % to the mid-term review referred to in Article 8 of Regulation (EU) No 515/2014;
- (b) 15 % to the development of IT systems referred to in Article 15 of Regulation (EU) No 515/2014, subject to the adoption of the relevant Union legal acts by 30 June 2017;
- (c) 10 % to Union actions referred to in Article 13 of Regulation (EU) No 515/2014 and emergency assistance referred to in Article 14 of Regulation (EU) No 515/2014.

Where the amount referred to in point (b) of this paragraph is not allocated or spent, the Commission shall, pursuant to the procedure set in the second subparagraph of Article 5(5)(b) of Regulation (EU) No 515/2014, re-allocate it to the specific actions referred to in Article 7 of Regulation (EU) No 515/2014.

If this Agreement does not enter into force or is not applied on a provisional basis by 1 June 2017, the full contribution of Switzerland shall be used in accordance with paragraph 2 of this Article.

⁽¹⁾ OJ L 336, 23.12.1994, p. 273.

⁽²⁾ OJ L 114, 30.4.2002, p. 430.

2. The total of the annual payments for 2018, 2019 and 2020 shall be assigned as follows:

- (a) 40 % to specific actions referred to in Article 7 of Regulation (EU) No 515/2014;
- (b) 50 % to the development of IT systems referred to in Article 15 of Regulation (EU) No 515/2014, subject to the adoption of the relevant Union legal acts by 31 December 2018;
- (c) 10 % to Union actions referred to in Article 13 of Regulation (EU) No 515/2014 and emergency assistance referred to in Article 14 of Regulation (EU) No 515/2014.

Where the amount referred to in point (b) of this paragraph is not allocated or spent, the Commission shall, pursuant to the procedure set out in the second subparagraph of Article 5(5)(b) of Regulation (EU) No 515/2014, re-allocate it to the specific actions referred to in Article 7 of Regulation (EU) No 515/2014.

3. The additional amounts assigned to the mid-term review, Union actions, specific actions or the programme on the development of IT systems shall be used in accordance with the relevant procedure laid down in one of the following provisions:

- (a) Article 6(2) of Regulation (EU) No 514/2014;
- (b) Article 8(7) of Regulation (EU) No 515/2014;
- (c) Article 7(3) of Regulation (EU) No 515/2014;
- (d) the second subparagraph of Article 15 of Regulation (EU) No 515/2014.

4. Each year, the Commission may use up to EUR 181 424 of the payments made by Switzerland to finance the administrative expenditure related to staff or external staff necessary for supporting the implementation by Switzerland of Regulation (EU) No 515/2014 and this Agreement.

Article 12

Confidentiality

Information communicated or acquired in any form whatsoever pursuant to this Agreement shall be covered by professional secrecy and protected in the same way as similar information is protected by the provisions applicable to the Union institutions and by the laws of Switzerland. Such information shall not be communicated to persons other than those within the Union institutions, in the Member States or in Switzerland whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the financial interests of the Parties.

Article 13

Designation of Responsible Authority

1. Switzerland shall notify the Commission of the formal designation at ministerial level of the Responsible Authority responsible for the management and control of expenditure under the ISF-Borders and Visa, as soon as possible after the approval of the national programme.

2. The designation referred to in paragraph 1 shall be made subject to the body complying with the designation criteria on internal environment, control activities, information and communication, and monitoring laid down in or on the basis of Regulation (EU) No 514/2014.

3. The designation of a Responsible Authority shall be based on an opinion of an audit body, which may be the Audit Authority, which assesses the Responsible Authority's compliance with the designation criteria. That body may be the autonomous public institution responsible for monitoring, evaluating and auditing the administration. The audit body shall function independently of the Responsible Authority and shall carry out its work in accordance with internationally accepted audit standards. Switzerland may base its decision on designation on whether the management and control systems are essentially the same as those in place for the previous period and whether they have functioned effectively. If the existing audit and control results show that the designated body no longer complies with the designation criteria, Switzerland shall take the necessary measures to ensure that deficiencies in the implementation of the tasks of that body are remedied, including by ending the designation.

*Article 14***Definition of financial year**

For the purpose of this Agreement, the financial year referred to in Article 60(5) of Regulation (EU, Euratom) No 966/2012 shall cover expenditure paid and revenue received and entered into the accounts of the Responsible Authority in the period commencing on 16 October of the year 'N-1' and ending on 15 October of year 'N'.

*Article 15***Eligibility of expenditure**

By way of derogation from Article 17(3)(b) and (4) of Regulation (EU) No 514/2014, expenditure shall be eligible where it has been paid by the Responsible Authority before the Responsible Authority's formal designation in accordance with Article 13 of this Agreement, provided that the management and control systems applied before are essentially the same as the ones in force after the formal designation of the Responsible Authority.

*Article 16***Request for payment of the annual balance**

1. By 15 February of the year following the financial year, Switzerland shall submit to the Commission the documents and information required in points (b) and (c) of the first subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012.

By way of derogation from Article 44(1) of Regulation (EU) No 514/2014 and in accordance with the third subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012, Switzerland shall submit the opinion referred to in the second subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012 by 15 March of the year following the financial year, to the Commission.

The documents submitted referred to in this paragraph shall serve as the request for payment of the annual balance.

2. The documents referred to in paragraph 1 of this Article shall be drawn up according to the models adopted by the Commission on the basis of Article 44(3) of Regulation (EU) No 514/2014.

*Article 17***Implementation report**

By way of derogation from Article 54(1) of Regulation (EU) No 514/2014 and in accordance with the third subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012, Switzerland shall submit an annual report to the Commission on the implementation of the national programme in the previous financial year by 15 February each year until and including 2022 and may, at the appropriate level, publish this information.

The first annual report on the implementation of the national programme shall be submitted on 15 February following the entry into force of this Agreement or the start of its provisional application.

The first report shall cover the financial years from 2014 until the financial year before the first annual report was due in accordance with the second paragraph. Switzerland shall submit a final report on the implementation of the national programme by 31 December 2023.

*Article 18***Electronic data exchange system**

In accordance with Article 24(5) of Regulation (EU) No 514/2014, all official exchanges of information between Switzerland and the Commission shall be carried out using an electronic data exchange system provided for by the Commission for that purpose.

*Article 19***Entry into force**

1. The Secretary-General of the Council of the European Union shall act as depositary of this Agreement.
2. The Parties shall approve this Agreement in accordance with their own procedures. They shall notify each other of the completion of those procedures.
3. This Agreement shall enter into force on the first day of the first month following the day of the last notification referred to in paragraph 2.
4. Except for Article 5, the Parties shall apply this Agreement provisionally as from the day following that of its signature, without prejudice to constitutional requirements.

*Article 20***Validity and termination**

1. Either the Union or Switzerland may terminate this Agreement by notifying the other Party of its decision. The Agreement shall cease to apply three months after the date of such notification. Projects and activities in progress at the time of termination shall continue according to the conditions laid down in this Agreement. The Parties shall settle any other consequences of termination, by mutual agreement.
2. This Agreement shall be terminated when the Association Agreement with Switzerland is terminated in accordance with Article 7(4), Article 10(3) or Article 17 of the Association Agreement with Switzerland.

*Article 21***Languages**

This Agreement shall be drawn up in a duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of those texts being equally authentic.

Съставено в Брюксел на петнадесети март две хиляди и осемнадесета година.

Hecho en Bruselas, el quince de marzo de dos mil dieciocho.

V Bruselu dne patnáctého března dva tisíce osmnáct.

Udfærdiget i Bruxelles den femtende marts to tusind og atten.

Geschehen zu Brüssel am fünfzehnten März zweitausendachtzehn.

Kahe tuhande kaheksateistkümnenda aasta märtsikuu viieteistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα πέντε Μαρτίου δύο χιλιάδες δεκαοκτώ.

Done at Brussels on the fifteenth day of March in the year two thousand and eighteen.

Fait à Bruxelles, le quinze mars deux mille dix-huit.

Sastavljeno u Bruxellesu petnaestog ožujka godine dvije tisuće osamnaeste.

Fatto a Bruxelles, addì quindici marzo duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada piecpadsmitajā martā.

Priimta du tūkstančiai aštuonioliktą metų kovo penkioliktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizennyolcadik év március havának tizenötödik napján.

Magħmul fi Brussell, fil-ħmistax-il jum ta' Marzu fis-sena elfejn u tmintax.

Gedaan te Brussel, vijftien maart tweeduizend achttien.

Sporządzono w Brukseli dnia piętnastego marca roku dwa tysiące osiemnastego.

Feito em Bruxelas, em quinze de março de dois mil e dezoito.

Întocmit la Bruxelles la cincisprezece martie două mii optsprezece.

V Bruseli pätnásteho marca dvetisícosemnást.

V Bruslju, dne petnajstega marca leta dva tisoč osemnajst.

Tehty Brysselissä viidentenätoista päivänä maaliskuuta vuonna kaksituhattakahdeksantoista.

Som skedde i Bryssel den femtonde mars år tjugohundraarton.

За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Za Europejską uniję
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen

За Конфедерация Швейцария
Por la Confederación Suiza
Za Švýcarskou konfederaci
For Det Schweiziske Forbund
Für die Schweizerische Eidgenossenschaft
Šveitsi Konföderatsiooni nimel
Για την Ελβετική Συνομοσπονδία
For the Swiss Confederation
Pour la Confédération suisse
Za Švicarsku Konfederaciju
Per la Confederazione Svizzera
Šveices Konfederācijas vārdā –
Šveicarijos Konfederācijas vardu
A Svájci Államszövetség részéről
Għall-Konfederazzjoni Svizzera
Voor de Zwitserse Bondsstaat
W imieniu Konfederacji Szwajcarskiej
Pela Confederação Suíça
Pentru Confederația Elvețiană
Za Švajčiarsku konfederáciu
Za Švicarsko konfederacijo
Sveitsin valaliiton puolesta
För Schweiziska edsförbundet

ANNEX

Formula to calculate the financial contributions for the years 2019 and 2020 and payment details

- (1) The financial contribution of Switzerland to the ISF – Borders and Visa referred to in the second and third subparagraphs of Article 5(7) of Regulation 515/2014 is calculated as follows for the years 2019 and 2020:

For each single year from 2013 to 2017, the final figures of the Gross Domestic Product (GDP) of Switzerland available on 31 March of 2019 shall be divided by the sum of the GDP figures of all the States participating in the ISF – Borders and Visa for the respective year. The average of the obtained five percentages for the years 2013 to 2017 shall be applied to the sum of the actual annual appropriations for the ISF – Borders and Visa for the years 2014 to 2019 and the annual commitment appropriation for the ISF – Borders and Visa for the year 2020 as included in the draft General budget of the European Union for the financial year 2020 adopted by the Commission to obtain the total amount to be paid by Switzerland over the whole period of implementation of the ISF – Borders and Visa. From this amount, the annual payments effectively made by Switzerland in accordance with Article 10(1) of this Agreement shall be subtracted in order to obtain the total amount of its contributions for the years 2019 and 2020. Half of this amount shall be paid in 2019 and the other half in 2020.

- (2) The financial contribution shall be paid in Euro.
- (3) Switzerland shall pay its respective financial contribution no later than 45 days after receiving the debit note. Any delay in payment of the contribution shall give rise to the payment of default interest on the outstanding amount from the due date. The interest rate shall be the rate applied by the European Central Bank to its main refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the deadline falls, increased by 3,5 percentage points.
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REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/930

of 19 June 2018

entering a name in the register of protected designations of origin and protected geographical indications ('Pitina' (PGI))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Pitina' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Pitina' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Pitina' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.2. Meat products (cooked, salted, smoked, etc.), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 June 2018.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 23, 23.1.2018, p. 8.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2018/931**of 28 June 2018****imposing a definitive anti-dumping duty on imports of oxalic acid originating in India and the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation') and, in particular, Article 11(2) thereof,

Whereas:

1. PROCEDURE**1.1. Measures in force**

- (1) Following an anti-dumping investigation ('the original investigation'), the Council imposed, by means of Implementing Regulation (EU) No 325/2012 ⁽²⁾ a definitive anti-dumping duty on imports of oxalic acid originating in India and the People's Republic of China ('countries concerned').
- (2) Following the judgment of the General Court of 20 May 2015 ⁽³⁾, the measures were annulled in so far as they concerned the Chinese exporting producer Yuanping Changyuan Chemicals Co. Ltd ('Yuanping'). Following the implementation of that judgment, the Commission re-imposed anti-dumping measures on imports of the product concerned by Yuanping with effect from 30 November 2016 ⁽⁴⁾.
- (3) The existing measures take the form of an *ad valorem* duty between 14,6 % and 52,2 % on imports from the countries concerned. Concerning the People's Republic of China ('the PRC'), duties range from 14,6 % to 37,7 % for Chinese cooperating companies. The country-wide dumping duty is 52,2 %. Concerning India, the duties range from 22,8 % to 31,5 % for the cooperating companies. The country-wide duty is 43,6 %.

1.2. Request for an expiry review

- (4) Following the publication of a notice of impending expiry of the anti-dumping measures in force ⁽⁵⁾, the Commission received a request for the initiation of an expiry review of the measures against the countries concerned, pursuant to Article 11(2) of the basic Regulation.
- (5) The request was lodged on 18 January 2017 by Oxaquim SA ('the applicant') representing more than 50 % of the total Union production of oxalic acid.
- (6) The request was based on the grounds that the expiry of the measures would likely result in continuation of dumping and recurrence of injury to the Union industry.

1.3. Initiation of an expiry review

- (7) Having determined that sufficient evidence existed for the initiation of an expiry review, the Commission announced, on 12 April 2017, by a notice published in the *Official Journal of the European Union* ⁽⁶⁾ the initiation of an expiry review pursuant to Article 11(2) of the basic Regulation ('Notice of Initiation').

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Implementing Regulation (EU) No 325/2012 of 12 April 2012 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of oxalic acid originating in India and the People's Republic of China (OJ L 106, 18.4.2012, p. 1).

⁽³⁾ Case T-310/12 *Yuanping Changyuan Chemicals Co. Ltd v Council of the European Union*.

⁽⁴⁾ Commission Implementing Regulation (EU) 2016/2081 of 28 November 2016 re-imposing a definitive anti-dumping duty on imports of oxalic acid originating in the People's Republic of China and produced by Yuanping Changyuan Chemicals Co. Ltd (OJ L 321, 29.11.2016, p. 48).

⁽⁵⁾ OJ C 329, 7.9.2016, p. 4.

⁽⁶⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of oxalic acid originating in India and the People's Republic of China (OJ C 117, 12.4.2017, p. 15).

1.4. Investigation

1.4.1. Review investigation period and period considered

- (8) The investigation of the likelihood of continuation or recurrence of dumping and injury covered the period from 1 April 2016 to 31 March 2017 (the 'review investigation period' or 'RIP'). The examination of the trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2013 to the end of the RIP (the 'period considered').

1.4.2. Parties concerned by the investigation

- (9) The Commission officially advised the applicant, the other known Union producer, the known exporting producers in the countries concerned, the known importers, the users and traders known to be concerned, known associations representing Union producers and users and the representatives of the exporting countries of the initiation of the expiry review.
- (10) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the Notice of Initiation. No interested party requested a hearing.

1.4.3. Sampling

- (11) In the Notice of Initiation, the Commission stated that it might sample interested parties in accordance with Article 17 of the basic Regulation.

1.4.3.1. Sampling of exporting producers

- (12) In order to decide whether sampling was necessary and, if so, to select a sample, the Commission asked all known exporting producers in India and the PRC to provide the information specified in the Notice of Initiation. In addition, the Commission asked the missions of India and the PRC to the Union to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.
- (13) Three exporting producers in India provided the requested information and agreed to be included in the sample. Therefore, sampling was not necessary and the Commission sent the questionnaire to all three companies. However, only two Indian companies provided a reply to the questionnaire.
- (14) No company from the PRC came forward. The Commission informed the Chinese authorities by means of a Note Verbale on 18 May 2017 that it had not received any cooperation from exporting producers in the PRC. It therefore intended to base its findings for the exporting producers in the PRC on the facts available in accordance with Article 18 of the basic Regulation. No comments were received.

1.4.3.2. Sampling of Union producers

- (15) Oxalic acid was manufactured by only two producers in the Union during the period considered. Thus no sampling of Union producers was necessary. Although questionnaires were sent to both companies, only the applicant provided a questionnaire reply.

1.4.3.3. Sampling of unrelated importers

- (16) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all known unrelated importers to provide the information specified in the Notice of Initiation.
- (17) Seven companies replied to the sampling form. Only one of them indicated that it had imported oxalic acid from the countries concerned. Due to this limited number of companies, sampling was not considered necessary.

1.5. Questionnaires and verification visits

- (18) The Commission sought and verified all the information deemed necessary for the purpose of determining the likelihood of continuation or recurrence of dumping, the likelihood of continuation or recurrence of injury and Union interest.

- (19) The Commission sent questionnaires to the two known Union producers, to three Indian exporting producers, to all known users and seven unrelated importers who have replied to the sampling form.
- (20) Questionnaire replies were received from two Indian exporting producers, one Union producer and five users.
- (21) The Commission carried out verifications at the premises of the following companies:
- (a) Union producer:
- Oxaquim SA, Spain
- (b) Exporting producers:
- Star Oxochem Pvt. Ltd, India ('Star Oxochem')
 - Radiant Indus Chem Pvt. Ltd, India ('Radiant').

2. PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product concerned

- (22) The product concerned is oxalic acid, whether in dihydrate (CUS number 0028635-1 and CAS number 6153-56-6) or anhydrous form (CUS number 0021238-4 and CAS number 144-62-7) and whether or not in aqueous solution, currently falling within CN code ex 2917 11 00 (TARIC code 2917 11 00 91) and originating in India and the PRC ('product concerned').
- (23) Oxalic acid is used in a wide range of applications, for example as a reducing and bleaching agent, in pharmaceutical synthesis and in the manufacture of chemicals.
- (24) In the original investigation, it was found that there are two types of oxalic acid; unrefined oxalic acid and refined oxalic acid. Refined oxalic acid, which was produced in the PRC but not in India, is manufactured through a purification process of unrefined oxalic acid, the purpose of which is to remove iron, chlorides, metal traces and other impurities. In the absence of cooperation from the PRC it was assumed for the current review investigation that exporting producers in the PRC manufactured and exported refined oxalic acid as in the original investigation.

2.2. Like product

- (25) Oxalic acid produced and sold by the Union industry in the Union, oxalic acid produced and sold on the domestic market of India and the PRC and oxalic acid imported into the Union from India and the PRC have essentially the same basic physical and chemical characteristics and the same basic end uses.
- (26) Therefore, these products are alike within the meaning of Article 1(4) of the basic Regulation.

3. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING

3.1. Preliminary remarks

- (27) In accordance with Article 11(2) of the basic Regulation, the Commission first examined whether the expiry of the existing measures would be likely to lead to a continuation or recurrence of dumping from Indian and Chinese exporting producers.
- (28) During the RIP, exports to the Union of oxalic acid from the PRC and India continued albeit at lower volumes than in the investigation period of the original investigation (from 1 January to 31 December 2010). According to Eurostat data, Chinese and Indian imports of oxalic acid entering the Union accounted for around 16 % of the market in the RIP.

3.2. India

- (29) There are four known producers of oxalic acid in India, of which two provided a reply to the questionnaire. On the basis of the information at its disposal ⁽⁷⁾, the Commission estimated total production in India at around 30 000 metric tonnes. Total exports from India are estimated at around 9 000 metric tonnes, based on Indian government data for 2016-2017 ⁽⁸⁾.
- (30) The imports from India to the Union in the RIP were limited and amounted to around 800 to 900 tonnes, based on Eurostat and Indian government data.
- (31) The two cooperating Indian producers had very limited Union sales, following a drop since the imposition of the measures. The main exporting producer from India during the RIP was the company that stopped its cooperation by not replying to the questionnaire.
- (32) Imports from India are also subject to the 6,5 % CCT ⁽⁹⁾ duty.

3.2.1. Dumping in the review investigation period

(a) Normal value

- (33) The Commission first examined whether the total volume of domestic sales of the two cooperating Indian companies was representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales are representative if the total domestic sales volume of the like product to independent customers on the domestic market per exporting producer represented at least 5 % of its total export sales volume of the product under review to the Union during the RIP. On this basis, the total sales of the two cooperating exporting producers of the like product on the domestic market were found representative.
- (34) The Commission subsequently identified the product types sold domestically that were identical or comparable with the product types sold for export to the Union for the exporting producers with representative domestic sales. The Commission then examined whether the domestic sales by each exporting producer on its domestic market for each product type that is identical or comparable with a product type sold for export to the Union were representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales of a product type are representative if the total volume of domestic sales of that product type to independent customers during the investigation period represents at least 5 % of the total volume of export sales of the identical or comparable product type to the Union. The Commission established that the sales of the two cooperating exporting producers were representative.
- (35) The Commission then defined the proportion of profitable sales to independent customers on the domestic market for each product type during the RIP in order to decide whether to use actual domestic sales price for the calculation of the normal value, in accordance with Article 2(4) of the basic Regulation.
- (36) The normal value is based on the actual domestic price per product type, irrespective of whether those sales are profitable or not, if:
 - (a) the domestic sales volume of the product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of this product type; and
 - (b) the weighted average sales price of that product type is equal to or higher than the unit cost of production.

In respect of the two cooperating Indian companies in this investigation, it was established that neither of them had sales fulfilling the criteria above.

⁽⁷⁾ The information provided by the two exporting producers and the following sources: data from the expiry review request, a non-verified sampling form by another exporting producer, and data from the original investigation. The capacity utilisation for the two cooperating exporting producers was taken as estimate for the other two known exporting producers.

⁽⁸⁾ See non-confidential submission of company Star Oxochem on 23 October 2017.

⁽⁹⁾ Common Customs Tariff. The conventional rate of duty for 2917 11 00 Oxalic acid, its salts and esters is 6,5 %. See Commission Implementing Regulation (EU) 2016/1821 of 6 October 2016 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 294, 28.10.2016, p. 1) and Commission Implementing Regulation (EU) 2017/1925 of 12 October 2017 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 282, 31.10.2017, p. 1).

(37) The normal value is the actual domestic price per product type of only the profitable domestic sales of the product types during the RIP, if:

- (a) the volume of profitable sales of the product type represents 80 % or less of the total sales volume of this type: or
- (b) the weighted average price of this product type is below the unit cost of production.

In respect of one cooperating Indian company, Radiant, which only sold one product type domestically and for exports, the normal value was determined based on this methodology and only the profitable sales, amounting to [10-15] % of the sales, were used. For the other cooperating Indian company these criteria did not apply.

(38) Where there were no or insufficient sales of a product type of the like product in the ordinary course of trade, the Commission constructed the normal value in accordance with paragraphs (3) and (6) of Article 2 of the basic Regulation. For such product types normal value was constructed by adding to the average cost of production of the like product of the cooperating exporting producer during the RIP:

- (a) the weighted average selling, general and administrative ('SG&A') expenses incurred by the sole cooperating exporting producer on domestic sales of the like product, in the ordinary course of trade, during the RIP; and
- (b) the weighted average profit realised by the sole cooperating exporting producer on domestic sales of the like product, in the ordinary course of trade, during the RIP.

(39) In respect of the other Indian company, Star Oxochem, it sold two product types: one only domestically and the other nearly exclusively for exports (with a few domestic sales). For the product type that was exported, there were no profitable sales. The normal value was constructed by adding, to the average cost of manufacturing, the average SG&A and profit percentage based on the domestic sales in the ordinary course of trade of the product type sold domestically, in line with methodology described in recital (38).

(40) Regarding the determination of the costs of production, the applicant submitted that the cost of producing sodium nitrite, less the revenue from sales, should be allocated to oxalic acid production. For the applicant, sodium nitrite should be treated as a by-product and not as a viable separate business line. The Commission concluded, on the basis of the evidence collected in the investigation, that sodium nitrite is a by-product as it is a secondary product derived from the manufacturing process of oxalic acid. It is not the primary product being produced. A by-product is marketable. The revenue from its sales need to be deducted from the cost of manufacturing of the product concerned, which includes the production cost for the by-product. The cost of production was modified through relevant adjustments for one Indian producer so that sodium nitrite is treated as a by-product and not as a viable business line.

(b) Export price

(41) The two cooperating exporting producers exported to the Union directly to independent customers. Therefore, the export price was the price actually paid or payable for the product concerned when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation.

(c) Comparison

(42) The Commission compared the normal value and the export price as established above on an ex-works basis.

(43) Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and/or the export price for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation. Adjustments were made for transport, insurance, handling, loading and ancillary costs, packing, discounts, credit costs, bank charges and commissions paid by the cooperating exporting producer. The level of adjustments to the domestic prices was in the range of 0-5 %. In case of export price it was in the range of 10-25 %. Each of the two Indian cooperating exporting producers received the detailed calculations of the adjustments made in the specific disclosure.

- (44) In the context of Article 2(10)(b) of the basic Regulation, both cooperating producers indicated that they had benefitted from the Indian Merchandise Exports from India Scheme ('MEIS') ⁽¹⁰⁾. The MEIS is a scheme of the government of India that provides an incentive in the form of a duty credit scrip to exporters to compensate for losses on the payment of duties. The incentive is paid as a percentage of the realized free on board ('FOB') value (in free foreign exchange) for specific goods going to specific markets. This export incentive is not a permissible adjustment for price comparison. It does not qualify as a duty drawback scheme for which an adjustment under Article 2(10)(b) of the basic Regulation could be considered, because Article 2(10)(b) only allows for adjustments to the normal value and not to the export price. In addition, the value of the scrip is not calculated in relation to the amount of import duties that would be incorporated in exports of downstream products, but, instead, is determined as a percentage of the FOB value of the exported merchandise. Additionally, irrespective of the calculation of the value of the incentive, the operation of the system does not lead to a situation where import charges borne by materials physically incorporated in the domestic sales of the like product are refunded or not collected upon exportation of the same production to the Union. For all the above reasons, no adjustment to the normal value or export price could be accepted.
- (45) One cooperating producer indicated that it also benefitted from the Central Value Added Tax ('CENVAT') scheme ⁽¹¹⁾. Under this scheme, a manufacturer of the final product or provider of taxable service is allowed to take credit for excise duties paid, as well as for service tax paid on any input received in the factory or any input service received by the manufacturer of the final product. The company did not demonstrate that this scheme does not apply equally for final goods sold on the domestic market. Therefore, similar to the MEIS scheme, this exemption for excise duty is not a permissible adjustment for price comparison under Article 2(10)(b) of the basic Regulation.
- (46) Therefore, allowances for the MEIS scheme and CENVAT were not made.
- (47) The two cooperating producers claimed an allowance for currency conversion. This was rejected as currency exchange rates had fluctuated after price setting and therefore did not affect price comparison.

(d) Dumping margins

- (48) In accordance with Articles 2(11) of the basic Regulation, the weighted average normal value by type was compared with the weighted average export price of the corresponding type of the product under review. Based on this methodology, the individual dumping margins found for the two companies are shown in the table below:

Exporting producer	Dumping margin
Star Oxochem Pvt. Ltd	12,40 %
Radiant Indus Chem Pvt. Ltd	27,61 %

(e) Conclusion

- (49) Based on the above it was concluded that Indian exporting producers continued to export oxalic acid to the Union at dumped prices during the RIP.

3.2.2. Likely development of imports should measures be repealed

- (50) Further to the finding of continued dumping during the RIP, the Commission also analysed whether there was a likelihood that volumes of the dumped exports would increase should the measures be allowed to lapse. It looked into the Indian production capacity and spare capacity, the behaviour of Indian exporters on other markets and the attractiveness of the Union market.
- (51) As only two exporting producers in India cooperated, additional elements were gathered from available facts as set out below.

⁽¹⁰⁾ The MEIS scheme was introduced in 2015 to replace former schemes. <https://www.eepcindia.org/MEIS/about-MEIS-scheme.aspx>

⁽¹¹⁾ <https://archive.india.gov.in/business/taxation/modvat.php> On 1 July 2017 India introduced its Goods & Services Tax, replacing various taxes including CENVAT.

(a) ***Production and spare capacity in India***

- (52) Based on verified data of the cooperating exporting producers, the two visited Indian producers had capacity utilisation of more than 75 %.
- (53) Overall, the total capacity of Indian oxalic acid producers is estimated at around 40 000 metric tonnes, and the spare capacity at around 10 000 metric tonnes ⁽¹²⁾. The volume of spare capacity equals the total Union consumption.

(b) ***Behaviour of the Indian exporters on the markets of third countries***

- (54) The two cooperating Indian companies had significant exports sales to the rest of the world in the RIP. One company exported a majority of its production, while the other sold a majority of its production domestically.
- (55) For Indian exports overall, Indian government statistics ⁽¹³⁾ indicate that the largest export destinations in 2016-2017 were Malaysia, Mexico, Pakistan, Russia and Taiwan. Exports to these five countries amounted to 5 700 metric tonnes. On the basis of Indian government statistics, the average Indian export price to the Union is 7 % higher than the average export price to the rest of the world. Indian export prices to the Union are generally higher than prices to the rest of the world, except notably in the USA and Mexico.

(c) ***Attractiveness of the Union market***

- (56) Although the Union is a relatively small market for oxalic acid, it remains attractive to Indian exporting producers. Indeed, as indicated in the recital above, the Union average price is 7 % higher than the rest of the world. The attractiveness is further confirmed by the fact that despite the relatively high level of anti-dumping duties in force, three out of four Indian exporting producers continue to export to the Union market. In addition, an Indian company in its non-confidential reply to the questionnaire explicitly indicated that the 'EU Market has huge potential and [is] attractive in terms of product price'.

(d) ***Conclusion***

- (57) Given the available spare capacity in India, the Indian producers level of prices generally on third markets and the attractiveness of the Union market in terms of prices, it is highly likely that in the absence of measures at least some of the available capacity in India could be used to produce oxalic acid for export to the Union or that some exports to third markets would be re-directed to the Union considering the higher prices at the Union market.
- (58) In its submission of 23 October 2017, one Indian cooperating company claimed that it had booked full capacity until March 2018 due to reduced production from the PRC. It indicated that reduced production in the PRC might result in pressure on the Union market. However, as indicated below in Section 3.3, it is not established that there is such a decrease in Chinese production, and that even if there was one, it would affect the world and Union markets in this manner.
- (59) Overall, it is considered that should the measures be allowed to lapse it is likely that Indian companies would export to the Union in larger quantities than currently and at dumped prices.

3.3. People's Republic of China

- (60) The PRC is by far the world's largest oxalic acid producing country with an estimated production of [150 000-200 000] metric tonnes ⁽¹⁴⁾. Total exports from the PRC amount to about [25 000-50 000] metric tonnes. No Chinese producer cooperated in this investigation and the findings are thus based on the best facts available in accordance with Article 18 of the basic Regulation.
- (61) On 28 November 2016, measures were re-imposed for Yuanping after an annulment by the General Court. Until this re-imposition, Yuanping could export without anti-dumping duties.
- (62) Imports from the PRC are subject to the 6,5 % CCT duty.

⁽¹²⁾ See footnote 7.

⁽¹³⁾ See non-confidential submission of company Star Oxochem on 23 October 2017.

⁽¹⁴⁾ Estimate from the expiry review request. It is noted that estimates vary, and that the Commission made use of a conservative estimate. The information was provided in ranges by the applicant as its own market intelligence. The market source of the data is confidential, and disclosure of a precise figure could give an advantage to competitors.

3.3.1. *Dumping in the review investigation period*

(a) **Analogue country**

- (63) According to Article 2(7)(a) and (b) of the basic Regulation, normal value has to be determined on the basis of the prices paid or payable on the domestic market or the constructed value in an appropriate market economy third country (the 'analogue country').
- (64) The Notice of Initiation envisaged using India as analogue country. The Notice of Initiation also indicated Japan as potential analogue country. In a Note to the file of 18 May 2017, the Commission indicated that India would be used as analogue country. India is the leading exporting country of oxalic acid to the Union. It is subject to the same investigation. It has already served as analogue country in the initial anti-dumping investigation. In addition, two exporting producers from India cooperated with the investigation.
- (65) No comments were received on this choice.
- (66) In view of the above, the Commission concluded that India was an appropriate analogue country under Article 2(7)(a) and (b) of the basic Regulation.

(b) **Normal value**

- (67) The information received from the two cooperating producers in the analogue country was used as a basis for the determination of the normal value. The methodology used for this purpose was set out in Section 3.2.1. A weighted average normal value between the two Indian companies was used as normal value for the PRC.
- (68) In line with the original investigation, an adjustment to the normal value was made because Chinese companies, in addition to unrefined oxalic acid, also manufacture and export to the Union so called 'refined' oxalic acid, which was not produced in the analogue country India. In the absence of cooperation and indication on the types produced and exported during the RIP, it is considered reasonable, based on findings in the original investigation, to make an adjustment (uplift of 12 %) to the weighted average normal value of the two Indian cooperating companies.

(c) **Export price**

- (69) In the absence of cooperation from Chinese exporters, the Commission resorted to available statistical data as best facts available to determine the export price. The Commission decided to base its calculations using price information from the Comext database (Eurostat).
- (70) Where justified by the need to ensure a fair comparison, the Commission adjusted the export price for differences affecting prices and price comparability: An average export price for the RIP was extracted from the Eurostat database. The CIF price was adjusted back to ex-works based on the actual transport and insurance costs determined on the basis of verified data from the Chinese cooperating companies in the original investigation (adjustment of [15-20] %). It should be noted that even if the more recent data from the Indian cooperating companies would have been used and adjusted for the longer shipping distance from Chinese ports, the level of adjustment would have been very similar (less than a percentage point difference).

(d) **Comparison**

- (71) The Commission compared the normal value and the average Chinese export price as determined above on an ex-works basis.

(e) **Dumping margin**

- (72) On this basis (adjustments based on Indian cooperating companies verified data), the weighted average dumping margin expressed as a percentage of the CIF Union frontier price during the RIP, duty unpaid, was found to be 8,7 %. The Commission observed that if it based its findings on data from the China export database, the dumping margin found would be even higher.

(f) **Conclusion**

- (73) On this basis, the Commission established that there is continuation of dumping to the Union as the Chinese exporting producers were still exporting oxalic acid at dumped prices during the RIP.

3.3.2. Likely development of imports should measures be repealed

- (74) Further to the finding of continued dumping during the RIP, the Commission also analysed whether there was a likelihood that volumes of the dumped exports would increase should the measures be allowed to lapse.
- (75) In the absence of cooperation of the Chinese exporting producers, this analysis was made on the basis of best facts available, namely on the basis of the information contained in the review request and publicly available information.
- (76) The Commission assessed the Chinese production capacity and spare capacity, the behaviour of Chinese exporters on other markets, and the attractiveness of the Union market.

(a) *Production and spare capacity in the PRC*

- (77) According to the statistics presented by the applicant in the request for review, Chinese producers have a combined annual capacity of approximately [150 000-200 000] metric tonnes. Internal market consumption of oxalic acid in the PRC amounts to about [50 000-100 000] and exports at about [25 000-50 000]. Consequently, assuming that the Chinese domestic market is supplied exclusively by Chinese producers, Chinese producers' spare capacity is estimated at about [30 000-40 000] metric tonnes, which amounts to about 20 % of their total capacity and three times the estimated Union consumption.
- (78) While an Indian company indicated that some Chinese production had ceased due to environmental concerns, the applicant, in its submission of 28 November 2017, claimed that such reduction occurred prior to 2013. No evidence was provided to substantiate either of these claims. Consequently, the Commission rejected both claims.

(b) *Behaviour of the Chinese exporters on the markets of third countries*

- (79) In order to analyse the likely behaviour of Chinese exporting producers in the absence of the measures, the Commission examined the price level with regard to Chinese exports sales to the rest of the world by using the China export database. In the top 10 export markets of the PRC (with the exception of Japan), the export price adjusted ex-works was significantly below the normal value also established at ex-works level, which would indicate dumping behaviour on third markets. On average, the rest of the world price (at ex-works level) is 30 % below the normal value, as well as below the Chinese export price to the Union.

(c) *Attractiveness of the Union market*

- (80) As set out above in Section 3.2, the Union market is considered small but attractive in terms of prices. Moreover, Chinese exports continued to enter the Union market despite the conventional and anti-dumping duties in force.

(d) *Conclusion*

- (81) Given the available spare capacity in the PRC, the Chinese producers' behaviour generally on third markets and the attractiveness of the Union market in terms of prices, it is likely that in the absence of measures at least some of the available capacity in the PRC could be used to produce oxalic acid for export to the Union or that some exports to third markets would be re-directed to the Union considering the higher prices on the Union market.
- (82) Overall, the Commission considered that should the measures be allowed to lapse it is likely that Chinese companies would export to the Union in larger quantities than currently and at dumped prices.

3.4. Conclusion on dumping

- (83) In conclusion, the large estimated production capacity, the high spare capacity in combination with the price levels on other export markets and the attractiveness of the Union market, indicate that a repeal of the measures would likely result in significant increase of exports to the Union. Given the dumping margin established during the RIP for both countries concerned, it is also likely that future exports will be made at significantly dumped prices.
- (84) On that basis, the Commission established that dumping from India and the PRC would continue if the measures were allowed to lapse.

4. INJURY

4.1. Definition of Union industry and Union production

- (85) The Union industry is still composed by the same plants as during the original investigation. The product concerned is manufactured by two known Union producers during the review investigation period: Oxaquim SA ('Oxaquim') and WeylChem Lamotte S.A.S. ('WeylChem') ⁽¹⁵⁾. Oxaquim as such represented a major proportion of the total Union production of oxalic acid during the review period (more than 50 % of the total Union production). WeylChem did not object to the initiation of the review investigation but decided not to cooperate. There is currently no other producer of the product concerned in the Union. On this basis, the two producers Oxaquim and WeylChem constitute the Union industry within the meaning of Article 4(1) of the basic Regulation. They will be hereafter referred to as 'the Union industry'.
- (86) The total Union production has been established on the basis of all available information, including information provided in the expiry review request, data collected before and after the initiation of the investigation and information obtained from the cooperating Union producer. This information allowed confirming the existence and the level of production also of the producer which did not cooperate in the investigation. On that basis, the total Union production during the RIP was estimated to be between 15 000 and 20 000 tonnes ⁽¹⁶⁾.

4.2. Union consumption

- (87) Consumption was established on the basis of import volume, and the total sales volume on the Union market of the Union industry, including verified data for Oxaquim and an estimate for WeylChem based on Eurostat.
- (88) During the period considered the Union consumption developed as follows:

Table 1

Union consumption

Total consumption	2013	2014	2015	2016	RIP
Tonnes	11 544	11 803	10 315	10 175	10 482
<i>Index (2013 = 100)</i>	100	102	89	88	91

Source: Eurostat, verified questionnaire reply, estimate for non-cooperating Union producer

- (89) Union consumption decreased over the period considered, i.e. from 11 544 tonnes in 2013 to 10 482 tonnes during the RIP, or by 9 %.

4.2.1. Volume and market share of imports from India and the PRC

Table 2

Volume and market shares of imports from India and the PRC

Import volumes (tonnes)	2013	2014	2015	2016	RIP
India and PRC	2 633	2 397	1 818	1 855	1 658
<i>Index (2013 = 100)</i>	100	91	69	70	63
Market share (%)	22,8	20,3	17,6	18,2	15,8

Source: Eurostat

⁽¹⁵⁾ The French plant producing the product concerned which belonged to the Swiss group Clariant SA was sold in 2014 to a new investor WeylChem. However, no structural changes are reported.

⁽¹⁶⁾ All figures are presented in indexed form or given as ranges to protect confidentiality of the Union producer who cooperated with the investigation.

- (90) Import volumes from India and the PRC decreased, from 2 633 tonnes in 2013 to 1 658 tonnes in the RIP, i.e. by 37 %, with a corresponding decrease in market share from 22,8 % to 15,8 %, namely a decrease of 7 percentage points during the period considered.
- (91) While import volumes and market share from India and the PRC decreased, the exporting producers from the countries concerned nevertheless managed to maintain a non-negligible market share.

4.2.2. Price of imports and price undercutting

Table 3

Average price of imports from India and the PRC

Import price (EUR/tonne)	2013	2014	2015	2016	RIP
India and PRC	745	645	769	724	718
<i>Index (2012 = 100)</i>	100	87	103	97	96

Source: Eurostat

- (92) The average prices of imports from the countries concerned first decreased from 745 EUR/tonne in 2013 to 645 EUR/tonne in 2014, but increased to 769 EUR/tonne in 2015. It decreased again in 2016 and in the RIP where it reached a level of 718 EUR/tonnes. Overall, the decrease between 2013 and the RIP was 4 %.
- (93) A comparison of sales prices on the Union market was made between the prices of the cooperating Union producer and prices of imports from the countries concerned. The relevant sales prices of the cooperating Union producer were those to independent customers, adjusted where necessary to an ex-works level, i.e. excluding freight costs in the Union and after deduction of discounts and rebates.
- (94) These prices were compared with prices charged by the Indian and Chinese exporting producers adjusted to CIF Union frontier. Due to the non-cooperation from the PRC, the price was based on Eurostat data since it provides price quotes at CIF Union frontier level. The CIF price was then adjusted upwards for the post-importation costs, i.e. custom clearance, conventional customs duty and anti-dumping duty, handling and loading costs.
- (95) It was observed that the prices of the cooperating Union producer decreased by 10 % in the period between 2013 and the RIP (see Table 7), while the decrease was less steep for the imported goods from the countries concerned, around 3,6 % for PRC and 6 % for India. However, the price difference between imported goods and goods produced in the Union remained high and resulted in a significant price undercutting during the RIP. The result of the comparison, when expressed as a percentage of the Union producer's turnover during the RIP, showed a weighted average undercutting. The undercutting margin for the PRC was established at 8 % ⁽¹⁷⁾, and for the two cooperating Indian exporting producers price undercutting was established at 7,1 % and 6,6 % respectively.

4.3. Economic situation of the Union industry

4.3.1. General remarks

- (96) In accordance with Article 3(5) of the basic Regulation, the Commission examined all economic factors and indices having a bearing on the state of the Union industry.
- (97) As mentioned in recital (15), no sampling was used for the determination of possible injury suffered by the Union industry.
- (98) For the injury determination the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated macroeconomic indicators relating to the whole Union industry on the basis of information provided by the applicant in the expiry review request, trade statistics and data collected after the initiation of the review investigation. The Commission evaluated microeconomic indicators relating only to the cooperating Union producer, Oxaquim, on the basis of the data contained in the questionnaire reply that has been verified. Both sets of data were found representative of the economic situation of the Union industry.

⁽¹⁷⁾ Due to the non-cooperation from the PRC these calculations were based on Eurostat.

- (99) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, employment, productivity and magnitude of the dumping margin.
- (100) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments and return on investments.
- (101) Taking into account the fact that the data for the injury analysis is derived in large part from one source, the data relating to the Union industry had to be indexed in order to preserve confidentiality pursuant to Article 19 of the basic Regulation.

4.3.2. Macroeconomic indicators

4.3.2.1. Production, production capacity and capacity utilisation

- (102) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 4

Production, production capacity and capacity utilisation

Index (2013 = 100)	2013	2014	2015	2016	RIP
Production volume	100	114	114	116	124
Production capacity	100	100	100	100	108
Capacity utilisation	100	114	114	116	115

Source: Verified questionnaire reply and estimate for non-cooperating Union producer

- (103) Production increased during the period considered. Overall, the production volume increased by 24 % during the period considered.
- (104) The production capacity increased by 8 % during the period considered due to investments.
- (105) As a result of the slightly higher increase in production volume than in production capacity, the capacity utilisation increased by 15 % over the period considered.

4.3.2.2. Sales volume to unrelated customers in the Union and market share

- (106) The Union industry's sales volume to unrelated customers in the Union and market share developed over the period considered as follows:

Table 5

Sales volume to unrelated customers and market share

Index (2013 = 100)	2013	2014	2015	2016	RIP
Sales volume	100	103	95	89	94
Market share	100	101	106	101	103

Source: Eurostat, verified questionnaire reply and estimate for non-cooperating Union producer

- (107) Sales volume decreased over the period considered by 6 % following the 9 % decrease of the Union consumption described in recital (91). Although sales volumes decreased, the market share of the Union industry slightly increased in the review investigation period. This increase correlates with the decrease in market share of imports from India and the PRC.

4.3.2.3. Employment, productivity and labour cost

(108) Employment and productivity developed over the period considered as follows:

Table 6

Employment, productivity and labour cost

Index (2013 = 100)	2013	2014	2015	2016	RIP
Number of employees	100	105	100	112	117
Productivity	100	108	113	103	105
Average labour costs per employee	100	101	104	108	111

Source: Verified questionnaire reply, estimate for non-cooperating Union producer

- (109) Employment of the Union industry overall increased by 17 % during the period considered, which is in line with the increase of the production volume of 24 % during the same period.
- (110) Between 2013 and the RIP, the average labour costs per employee of the cooperating Union producer increased by 11 %.

4.3.2.4. Magnitude of the dumping margin and recovery from past dumping

- (111) During the review investigation period, the individual dumping margins found for the cooperating Indian exporting producers as well as for the Chinese imports were still substantial (see recitals (48) and (72) above).
- (112) However, despite the fact there was still dumping from India and from the PRC, the analysis of the injury indicators shows that the measures in place had a positive impact on the Union industry.

4.3.3. Microeconomic indicators

4.3.3.1. General remarks

- (113) The analysis of microeconomic indicators (sales prices and cost of production, stocks, profitability, cash flow, investments and return on investment) was carried out at the level of the only cooperating Union producer.

4.3.3.2. Prices and factors affecting prices

- (114) The average sales prices of the Union industry to unrelated customers in the Union developed over the period considered as follows:

Table 7

Average sales prices and unit costs

Index (2013 = 100)	2013	2014	2015	2016	RIP
Average unit selling price in the Union	100	88	90	91	90
Unit cost of production	100	81	89	82	80

Source: Verified questionnaire reply

- (115) The Union industry's average unit sales price to unrelated customers in the Union decreased by 10 % over the period considered. This decrease followed to a certain extent the decrease of the cost of production with 20 % in the RIP.

- (116) The investigation showed that the decrease in cost was mainly due to the decrease of the price of raw materials during the period as well as the optimisation of the production process through investments in technological improvements.

4.3.3.3. Inventories

- (117) Stock levels of the Union industry developed over the period considered as follows:

Table 8

Inventories

Index (2013 = 100)	2013	2014	2015	2016	RIP
Closing stocks	100	27	11	13	49
Closing stocks as percentage of production (%)	2,8	0,7	0,3	0,3	1,1

Source: Verified questionnaire reply

- (118) Given the nature of the product concerned, stocks are very small. Since the product concerned deteriorates quickly, the producers produce goods for immediate shipment. Therefore, this indicator is not very meaningful in order to describe the Union industry condition.

4.3.3.4. Profitability, cash flow, investments and return on investments

Table 9

Profitability, cash flow, investments and return on investment

Index (2013 = 100)	2013	2014	2015	2016	RIP
Profitability of sales in the Union to unrelated customers	100	267	134	305	332
Cash flow	100	144	110	149	165
Investments	100	56	194	328	247
Return on investment	100	281	144	283	333

Source: Verified questionnaire reply

- (119) The Commission established the profitability of the cooperating Union producer by expressing the pre-tax net profit of the sales of the product concerned to unrelated customers in the Union as a percentage of the turnover of those sales. During the period considered, the Union industry profitability increased steadily reflecting the bigger decrease of the cost of production compared to the sales price during the period considered as explained in recital (116).
- (120) The net cash flow is the Union industry's ability to self-finance their activities. The cash flow increased during the period considered, except in 2015 when it decreased. Overall net cash flow increased by 65 % over the period considered, in line with the increased profitability.
- (121) The investments increased by 147 % over the period considered, with the exception of 2014 when they decreased by 44 % compared to 2013. The investments served mainly to increase capacity and therefore exports in order to remain competitive on the global market but also led to technological improvement, higher quality, better yield and lower consumption of raw materials and thus to improved productivity and increased environmental protection.
- (122) As the other financial indicators, the return on investment from the production and sale of the like product was positive reflecting the trend in profitability.

4.3.4. Conclusion on injury

- (123) The investigation showed that the imposition of measures as from 2011 allowed the Union industry to recover from the injury suffered.
- (124) The injury indicators show a positive trend for the Union industry.
- (125) The profitability of the Union industry increased significantly during the period considered (by 332 % between 2013 and the RIP). This is a considerable improvement compared to the low or negative level of profitability observed between 2007 and 2011 (period considered during the original investigation). These profits, which are partially linked also to the decrease in the price of raw materials, allowed the Union industry to undertake some investments, including reducing waste and decreasing the environmental impact.
- (126) Despite the fact that the consumption in the Union decreased by 9 % during the period considered, the production volume increased by 24 % and production capacity by 8 % while sales volume on the Union market decreased by 6 %. The Union industry market share increased by only 3 % in the RIP compared to 2013. Export sales of Union industry also increased during the period considered.
- (127) Investments increased by 147 % during the period considered and return on investments by 333 %.
- (128) Productivity improved during the period considered. Employment also increased in line with production volumes during the period considered.
- (129) On the basis of the above, the Commission concluded that the Union industry did not suffer material injury within the meaning of Article 3(5) of the basic Regulation during the period considered.

5. LIKELIHOOD OF RECURRENCE OR CONTINUATION OF INJURY

- (130) Since the Union industry did not suffer material injury during the review investigation period, it was assessed whether there would be a likelihood of recurrence of injury should measures against India and the PRC be allowed to lapse in accordance with Article 11(2) of the basic Regulation.
- (131) In this regard, the Commission examined the production capacity and spare capacities in India and the PRC, the attractiveness of the Union market and the possible impact of the price development of Indian and Chinese import volumes and prices as well as the impact of such development on the Union industry's sales volumes, prices and profitability.
- (132) Regarding import price levels, the investigation showed that despite the anti-dumping measures in force, there was still a constant undercutting of Union industry's prices during the period considered. Furthermore, should the measures in force be repealed and assuming that import price from the countries concerned and the price of the Union industry would remain the same as during the RIP, the import prices would undercut the prices of the Union industry between 12 % and 34,1 %. As a consequence, the Union industry is likely to lose sales volume as well as market shares on the Union market.
- (133) Regarding production capacities and spare capacities in India and the PRC, the analysis made in recitals (52), (53), (77) and (78) was taken into consideration. This analysis showed that the PRC disposes of significant spare capacity and the spare capacity of India is equal to or higher than the total size of the European market. The Chinese and Indian domestic demand and export markets other than the Union market are not likely to be able to fully absorb the entire spare capacity.
- (134) Finally, as observed in recitals (54), (55), (56), (79) and (80), the Union market for oxalic acid is attractive and there is an incentive for Indian and Chinese producers to shift exports from other third countries to the higher priced Union market in case of repeal of the measures in force.
- (135) It is considered that potentially significant imports of dumped products from India and the PRC in the absence of measures would weaken again the Union industry and threaten its viability and survival.

- (136) To assess the likely impact of such low-priced imports from the countries concerned on the Union industry the Commission first looked at a potential loss of their market share. It simulated what the impact would be if the exporting producers from the countries concerned would import the same quantities as in the original investigation period, that is, before the imposition of the measures. As established in the original investigation, such a volume of dumped imports of the product concerned was sufficient to cause material injury to the Union industry.
- (137) For this analysis, the Commission considered that the prices of the exporting producers from the countries concerned and those of the Union industry would remain the same as during the RIP. Furthermore the Commission assumed that the import volumes from the countries concerned would first take over the market share of other third countries and then the market share of the Union industry. With these assumptions, the analysis mentioned in recital (136) showed that in case the measures are repealed and Chinese and Indian imports reach their volume levels of the original investigation period, the cooperating Union producer would be loss-making and injury would recur to the Union industry.
- (138) The investigation showed that in case the measures are repealed and Chinese and Indian imports reach their level of the original IP, the cooperating Union producer would return to be loss-making and injury would recur.
- (139) On this basis, it is concluded that the absence of measures would in all likelihood result in a significant increase of exports from the PRC and India at dumped prices and material injury would be likely to recur.

6. UNION INTEREST

6.1. Preliminary remarks

- (140) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing measures against India and the PRC would be against the interest of the Union. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers and users.

6.2. Interest of the Union industry

- (141) The investigation found that during the RIP the Union industry had recovered from the injury caused by the dumped imports from India and the PRC. Should the measures against India and PRC be repealed it is, however, likely that the injury would recur as the Union industry would be exposed to dumped imports potentially in significant volumes and exerting significant price pressure. As a consequence, the economic situation of the Union industry would likely deteriorate significantly for the reasons described above. On the contrary, maintaining the measures would bring certainty in the market, allowing the Union industry to maintain its positive economic situation and continue its investments and growth plans.
- (142) On this basis the Commission concluded that the continuation of the anti-dumping measures in force would be in the interest of the Union industry.

6.3. Interest of unrelated importers

- (143) The Commission received no cooperation from unrelated importers during the investigation.
- (144) On this basis, there were no indications that the maintenance of the measures would have a significant negative impact on the importers outweighing the positive impact of the measures on the Union industry.

6.4. Interest of users

- (145) Questionnaires were sent to known users. The Commission received a reply form only five users of the product concerned, although the product concerned is used in many industries. Two users sent back complete questionnaire replies; two other users sent only filled-in tables and one user provided comments.
- (146) No user opposed to the extension of the measures and four of them clearly stated that they are in favour of maintaining the current anti-dumping measures.

- (147) Given that the Commission has not received any opposition from users, it seems unlikely that maintaining the anti-dumping measures would have a negative impact on Union users outweighing the positive impact of the measures on the Union industry.

6.5. Conclusion on Union interest

- (148) On the basis of the above, the Commission concluded that there were no compelling reasons based on Union interest for terminating the anti-dumping measures on imports of oxalic acid originating in India and the PRC.

7. DISCLOSURE

- (149) The Commission informed all interested parties of the essential facts and considerations on the basis of which it intended to maintain the existing measures against India and the PRC. They were also granted a period to submit comments subsequent to that disclosure. The Commission received only comments from the Union industry. These comments were analysed and taken into consideration where warranted.

8. ANTI-DUMPING MEASURES

- (150) In view of the conclusions reached with regard to continuation/recurrence of dumping and continuation/recurrence of injury as described above it follows that, as provided for by Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of oxalic acid originating in India and the PRC, imposed by Implementing Regulation (EU) No 325/2012 should be maintained.
- (151) A company may request the application of these individual anti-dumping duty rates if it changes subsequently the name of its entity. The request must be addressed to the Commission ⁽¹⁸⁾. The request must contain all the relevant information enabling to demonstrate that the change does not affect the right of the company to benefit from the duty rate which applies to it. If the change of name of the company does not affect its right to benefit from the duty rate which applies to it, a notice informing about the change of name will be published in the *Official Journal of the European Union*.
- (152) In view of the recent case-law of the Court of Justice ⁽¹⁹⁾, it is appropriate to provide for the rate of default interest to be paid in case of reimbursement of definitive duties, because the relevant provisions in force concerning customs duties do not provide for such an interest rate, and the application of national rules would lead to undue distortions between economic operators depending on which Member State is chosen for customs clearance.
- (153) The Committee established by Article 15(1) of Regulation (EU) 2016/1036 did not deliver an opinion,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of oxalic acid, whether in dihydrate (CUS number 0028635-1 and CAS number 6153-56-6) or anhydrous form (CUS number 0021238-4 and CAS number 144-62-7) and whether or not in aqueous solution, currently falling within CN code ex 2917 11 00 (TARIC code 2917 11 00 91) and originating in India and the People's Republic of China.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price before duty, of the product described in paragraph 1 and produced by the following companies shall be as follows:

Country	Company	Anti-dumping duty rate (%)	TARIC additional code
India	Punjab Chemicals and Crop Protection Limited	22,8	B230
	Star Oxochem Pvt. Ltd	31,5	B270
	All other companies	43,6	B999

⁽¹⁸⁾ European Commission, Directorate-General for Trade, Directorate H, Rue de la Loi 170, 1040 Brussels, Belgium.

⁽¹⁹⁾ Judgment in *Wortmann*, C-365/15, EU:C:2017:19, paragraphs 35 to 39.

Country	Company	Anti-dumping duty rate (%)	TARIC additional code
PRC	Shandong Fengyuan Chemicals Stock Co., Ltd; Shandong Fengyuan Uranus Advanced Material Co., Ltd	37,7	B231
	Yuanping Changyuan Chemicals Co., Ltd	14,6	B232
	All other companies	52,2	B999

3. The application of the individual duty rate specified for the companies listed in paragraph 2 shall be conditional upon presentation to the customs authority of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex. If no such invoice is presented, the duty applicable to all other companies shall apply.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply. The default interest to be paid in case of reimbursement that gives rise to a right to payment of default interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the deadline falls, increased by one percentage point.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 June 2018.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

A declaration signed by an official of the entity issuing the commercial invoice, in the following format, must appear on the valid commercial invoice referred to in Article 1(3):

- (1) The name and function of the official of the entity which has issued the commercial invoice.
- (2) The following declaration:

'I, the undersigned, certify that the (volume) of oxalic acid sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in (country concerned). I declare that the information provided in this invoice is complete and correct.'

Date and signature

COMMISSION REGULATION (EU) 2018/932**of 29 June 2018****amending Regulation (EU) No 582/2011 as regards the provisions on testing by means of portable emission measurement systems (PEMS) and the requirements for universal fuel range type-approval****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC ⁽¹⁾, and in particular Article 5(4) thereof,

Whereas:

- (1) CEN standards for certain common Fatty Acid Methyl Ester (FAME) diesel blends and paraffinic diesel have recently been published. Therefore, it is appropriate to update the current rules to refer also to those new standards.
- (2) In relation to testing with portable emission measurement systems (PEMS), Commission Regulation (EU) 2016/1718 ⁽²⁾ introduced requirements on both urban trip share as well as the total trip length. Especially on some N₃ category vehicles equipped with an engine with higher power rating, it has been discovered that, due to those limiting requirements, PEMS testing in accordance with the current provisions will result in void tests. In order to resolve the issue, the conditions for compliance with the urban window requirement should be amended, with the urban trip being enlarged at the expense of the motorway trip share and the maximum overall trip length extended.
- (3) Clarification is needed regarding the requirement to have at least one valid window in urban only operations applying to NO_x emissions specifically, as it is the critical pollutant in those conditions.
- (4) In case of universal fuel range type-approval, the procedure for demonstrating compliance with the required tolerances for the engine control unit (ECU) torque signal is currently not set out in Commission Regulation (EU) No 582/2011 ⁽³⁾. Therefore, when the engine is not equipped with a system to recognise which fuel is being used, the demonstration on how to determine compliance is up to the discretion of the technical service. Due to the increasing interest in type approval of alternative fuels, it is appropriate to harmonise that procedure. The torque deviation caused by the alternative fuel should therefore be determined and the deviation should then be used to calculate a power correction factor, which should be stated in the type approval documentation. The power correction factor may be applied to demonstrate compliance with the ECU torque signal accuracy requirements. Moreover, for PEMS testing with an alternative fuel, the power correction factor may be applied to determine the correct torque value for emission calculations.
- (5) Regulation (EU) No 582/2011 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee – Motor Vehicles,

⁽¹⁾ OJ L 188, 18.7.2009, p. 1.

⁽²⁾ Commission Regulation (EU) 2016/1718 of 20 September 2016 amending Regulation (EU) No 582/2011 with respect to emissions from heavy-duty vehicles as regards the provisions on testing by means of portable emission measurement systems (PEMS) and the procedure for the testing of the durability of replacement pollution control devices (OJ L 259, 27.9.2016, p. 1).

⁽³⁾ Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 582/2011 is amended as follows:

(1) Annex I is amended as follows:

(a) in point 1.1.2, the introductory part of the first paragraph is replaced by the following:

‘If the manufacturer permits the engine family to run on market fuels that do not comply either with Directive 98/70/EC of the European Parliament and of the Council (*), or with CEN standard EN 228:2012 in the case of unleaded petrol or CEN standard EN 590:2013 in the case of diesel, such as running on FAME B100 (CEN standard EN 14214), FAME diesel blends B20/B30 (CEN standard EN 16709), paraffinic fuel (CEN standard EN 15940) or others, the manufacturer shall, in addition to the requirements in point 1.1.1, comply with the following requirements:

(*) Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58).’;

(b) in point 1.1.2, the following point (a1) is inserted:

‘(a1) determine the power correction factor for each fuel declared pursuant to point 5.2.7 if applicable;’;

(c) in point 5.2.5, point (b) is replaced by the following:

‘(b) 10 % when performing the World Harmonised Steady state Cycle (hereinafter “WHSC”) test in accordance with Annex III, except for mode 1 and 13 (idle modes);’;

(d) the following point 5.2.7 is inserted:

‘5.2.7. If the difference between the measured torque value obtained with a declared market fuel and the torque calculated from the information requested in point 5.2.1 exceeds any of the values specified in point 5.2.5, a power correction factor for each additional market fuel permitted by the manufacturer in accordance with point 1.1.2 shall be determined for the engine family. The correction factor shall be calculated as the ratio between average measured peak torque [Nm] on the reference fuel according to Annex IX, and average measured peak torque [Nm] on the market fuel declared.’;

(e) points 5.3.3 and 5.3.3.1 are replaced by the following:

‘5.3.3. The fulfilment of the requirement referred to in point 5.2.5 shall be demonstrated for the parent engine of an engine family when determining the engine power in accordance with Annex XIV and when performing the WHSC test in accordance with Annex III and off-cycle laboratory testing at type-approval in accordance with Section 6 of Annex VI.

5.3.3.1. The fulfilment of the requirement referred to in point 5.2.5 shall be demonstrated for each engine family member when determining the engine power in accordance with Annex XIV. For that purpose, additional measurements shall be performed at several part load and engine speed operating points (for example at the modes of the WHSC and some additional random points).’;

(f) the following point 5.3.3.2 is inserted:

‘5.3.3.2. If applicable, the power correction factor for the engine family, as referred to in point 5.2.7, shall be determined with the parent engine of the engine family.’;

(g) in Appendix 5, in the Addendum to EC type-approval certificate, point 1.5.2 is replaced by the following:

‘1.5.2. Additional data, e.g. the power correction factor for each fuel declared (if applicable);’;

(h) in Appendix 7, in the Addendum to EC type-approval certificate, point 1.5.2 is replaced by the following:

‘1.5.2. Additional data, e.g. the power correction factor for each fuel declared (if applicable);’;

(2) Annex II is amended as follows:

(a) point 4.4.2 is replaced by the following:

‘4.4.2. *Fuel*

The test fuel shall be market fuel covered by Directive 98/70/EC and the relevant CEN standards, or reference fuel as specified in Annex IX to this Regulation.’;

(b) the following point 4.4.2.2 is inserted:

‘4.4.2.2. Fuel samples shall be taken.’;

(c) point 4.5.3 is replaced by the following:

‘4.5.3. For N_3 vehicles the trip shall consist of approximately 30 % urban, 25 % rural and 45 % motorway operation.’;

(d) point 4.6.5 is replaced by the following:

‘4.6.5. The test duration shall be long enough to complete between four and eight times the work performed during the WHTC or produce between four and eight times the CO_2 reference mass in kg/cycle from the WHTC as applicable.’;

(e) Appendix 1 is amended as follows:

(i) the following point 4.2.1.1 is inserted:

‘4.2.1.1. Calculation of the specific emissions for a declared market fuel

If a test pursuant to this Annex was performed with a market fuel declared in point 3.2.2.2.1 of Part 1 in Appendix 4 to Annex I, the specific emissions e_{gas} (mg/kWh) shall be calculated for each window and each pollutant by multiplication of the uncorrected specific emissions with the power correction factor determined pursuant to point 1.1.2 (a1) of Annex I.’;

(ii) point 4.2.2.2.2 is replaced by the following:

‘4.2.2.2.2. The test shall be void if the percentage of valid windows is less than 50 % or if there are no valid windows in respect of nitrogen oxides (NO_x) left in urban only operations after the 90 percentile rule has been applied.’;

(f) in Appendix 4, the following point 2.1.1 is inserted:

‘2.1.1. If a market fuel declared in point 3.2.2.2.1 of Part 1 in Appendix 4 to Annex I is used for the test, the ECU torque signal shall be divided by the correction factor prior to the verification with the reference maximum torque curve performed with that market fuel.’.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 June 2018.

For the Commission
The President
Jean-Claude JUNCKER

DIRECTIVES

COMMISSION DIRECTIVE (EU) 2018/933

of 29 June 2018

correcting the German language version of Directive 2006/126/EC of the European Parliament and of the Council on driving licences

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences ⁽¹⁾, and in particular Article 8 thereof,

Whereas:

- (1) Errors appear in the German language version of Directive 2006/126/EC, more precisely in points 6.1 and 6.4 of Annex III concerning the minimum standards of physical and mental fitness for driving a power-driven vehicle, in particular as regards eyesight. The errors were introduced by Commission Directive 2009/113/EC ⁽²⁾.
- (2) The German language version of Directive 2006/126/EC should therefore be corrected accordingly. The other language versions are not affected
- (3) The measures provided for in this Directive are in accordance with the opinion of the Committee on driving licences,

HAS ADOPTED THIS DIRECTIVE:

Article 1

(does not concern the English language)

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than one year after entry into force of this Directive. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 403, 30.12.2006, p. 18.

⁽²⁾ Commission Directive 2009/113/EC of 25 August 2009 amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences (OJ L 223, 26.8.2009, p. 31).

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 29 June 2018.

For the Commission

The President

Jean-Claude JUNCKER

DECISIONS

COUNCIL DECISION (EU) 2018/934

of 25 June 2018

on the putting into effect of the remaining provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Bulgaria and Romania

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Act of Accession of the Republic of Bulgaria and Romania, and in particular Article 4(2) thereof,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) According to the first subparagraph of Article 4(2) of the Act of Accession of the Republic of Bulgaria and Romania ('the 2005 Act of Accession'), the provisions of the Schengen *acquis* other than those listed in Annex II to that Act, to which the Republic of Bulgaria ('Bulgaria') and Romania accede upon accession, are to apply in Bulgaria and Romania pursuant to a Council decision to that effect after verification that the necessary conditions for the application of all parts of the Schengen *acquis* have been met.
- (2) On 29 June 2010, the Council adopted Decision 2010/365/EU ⁽²⁾. Following that Decision, the provisions of the Schengen *acquis* relating to the Schengen Information System ('SIS') started to apply to Bulgaria and Romania from 15 October 2010, with the exception of the obligation to refuse entry into or stay on its territory to third country nationals for whom an alert has been issued by another Member State for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006 of the European Parliament and of the Council ⁽³⁾ and with the obligation to refrain from issuing SIS alerts and entering additional information as well as from exchanging supplementary information on third country nationals for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006 (the 'remaining restrictions').
- (3) On 9 June 2011, the Council concluded, in accordance with the applicable Schengen evaluation procedures, that the conditions in all the areas of the Schengen *acquis* relating to air borders, land borders, police cooperation, data protection, the SIS, sea borders and visas had been fulfilled by Bulgaria and Romania.
- (4) On 12 October 2017, the Council adopted Decision (EU) 2017/1908 ⁽⁴⁾ putting into effect certain provisions of the Schengen *acquis* relating to the Visa Information System ('VIS') in Bulgaria and Romania, without prejudice to the separate decision of the Council to be adopted by unanimity in accordance with Article 4(2) of the 2005 Act of Accession as regards the lifting of checks at internal borders of the Member States concerned. The putting into effect of those provisions which authorises Bulgaria and Romania to access the VIS data for consultation purposes and in accordance with the procedures and conditions specified in that Decision is aiming at facilitating checks by Bulgaria and Romania at border crossing points at their external borders, which are Schengen external borders, and within their territory, thereby increasing the level of security in the Schengen area and facilitating the fight against serious crime and terrorism.
- (5) In order to increase the level of security in the Schengen area and to make the fight against serious crime and terrorism more effective, the checks by Bulgaria and Romania at their external borders and in their territory

⁽¹⁾ Opinion delivered on 13 June 2018 (not yet published in the Official Journal).

⁽²⁾ Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Bulgaria and Romania (OJ L 166, 1.7.2010, p. 17).

⁽³⁾ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

⁽⁴⁾ Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen *acquis* relating to the Visa Information System in the Republic of Bulgaria and Romania (OJ L 269, 19.10.2017, p. 39).

should become more effective by issuing SIS alerts for the purposes of refusing entry or stay and by executing such alerts introduced by other Member States, in particular if such alerts are based on a threat to public policy or public security or national security. In order to ensure that Bulgaria and Romania have the obligation to refuse entry into or stay on their respective territory to third country nationals for whom an entry ban has been issued by another Member State, as well as the obligation to issue such SIS alerts, it is appropriate to lift the remaining restrictions concerning the use of the SIS. The lifting of those restrictions in Bulgaria and Romania will contribute to increase the level of security in the Schengen area and make the fight against serious crime and terrorism more effective.

- (6) It is appropriate to set a date as from which the remaining restrictions of the Schengen *acquis* relating to the SIS should be lifted. Article 25 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders ⁽¹⁾ (‘the Schengen Convention’) on consultation for residence permits and alerts for the purposes of refusing entry should apply from the same date.
- (7) This Decision is without prejudice to the lifting of checks at internal borders of the Member States concerned which should be subject to a separate decision of the Council to be adopted by unanimity in accordance with Article 4(2) of the 2005 Act of Accession.
- (8) Given that the verification in accordance with the applicable Schengen evaluation procedures concerning Bulgaria and Romania has already been completed pursuant to Article 4(2) of the 2005 Act of Accession, the verification under point (b) Article 1(1) of Council Regulation (EU) No 1053/2013 ⁽²⁾ will not be carried out in respect of those Member States. However, following the adoption of this Decision, the lifting of the remaining restrictions on the use of the SIS should come into effect on 1 August 2018.
- (9) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter’s association with the implementation, application and development of the Schengen *acquis* ⁽³⁾, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC ⁽⁴⁾.
- (10) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation’s association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾ which fall within the area referred to in Article 1, point G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁶⁾.
- (11) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation’s association with the implementation, application and development of the Schengen *acquis* ⁽⁷⁾, which fall within the area referred to in Article 1, point G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽⁸⁾,

⁽¹⁾ OJ L 239, 22.9.2000, p. 19.

⁽²⁾ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽⁵⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁶⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation’s association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽⁷⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁸⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation’s association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

HAS ADOPTED THIS DECISION:

Article 1

1. The remaining restrictions of the Schengen *acquis* relating to the SIS referred to in points (a) and (b) of Article 1(4) of Decision 2010/365/EU shall not apply to Bulgaria and Romania, amongst themselves and in their relations with the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden as well as with the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation.
2. Article 25 of the Schengen Convention shall apply to Bulgaria and Romania, amongst themselves and in their relations with the States referred to in paragraph 1 of this Article.
3. The application of paragraphs 1 and 2 of this Article is without prejudice to the adoption of a Council decision setting the date for lifting the checks at internal borders with Bulgaria and Romania.

Article 2

This Decision shall enter into force on the date of its adoption.

It shall apply from 1 August 2018.

Article 3

This Decision shall apply in accordance with the Treaties.

Done at Luxembourg, 25 June 2018.

For the Council
The President
N. DIMOV

COMMISSION IMPLEMENTING DECISION (EU) 2018/935**of 28 June 2018****amending Implementing Decision 2014/88/EU suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of Betel leaves ('Piper betle') as regards its period of application***(notified under document C(2018) 3997)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1)(b)(i) thereof,

Whereas:

- (1) Regulation (EC) No 178/2002 lays down the general principles governing food in general, and food safety in particular, at Union and national level. It provides for emergency measures to be taken by the Commission where there is evidence that food imported from a third country is likely to constitute a serious risk to human health.
- (2) Commission Implementing Decision 2014/88/EU ⁽²⁾ prohibited the importation into the Union of foodstuffs containing or consisting of betel leaves from Bangladesh, originally for a limited period of application until 31 July 2014. It was adopted following a high number of notifications issued to the Rapid Alert System for Food and Feed (RASFF) due to the presence of a wide range of *Salmonella* strains, including *Salmonella* Typhimurium, found in foodstuffs containing or consisting of betel leaves ('Piper betle', commonly known as 'Paan leaf' or 'Betel quid') from Bangladesh.
- (3) Since Bangladesh was not able to provide guarantees securing the imports of betel leaves into the Union, Commission Implementing Decisions 2014/510/EU ⁽³⁾, (EU) 2015/1028 ⁽⁴⁾, and (EU) 2016/884 ⁽⁵⁾ extended the period of application of the temporary suspension of imports of these products until 30 June 2015, 30 June 2016 and 30 June 2018 respectively.
- (4) The proposed action plan submitted by Bangladesh in January 2018 is still incomplete and there are no guarantees on its effective application and enforcement. Indeed, the information received does not demonstrate that the production of betel leaves complies with Regulation (EC) No 852/2004 of the European Parliament and of the Council ⁽⁶⁾ and that the country is able to deliver reliable analytical results from accredited laboratories. The authorities of Bangladesh also signalled the use of a chemical decontaminant to decontaminate betel leaves, without any evidence in terms of safety and toxicity of the product used. Furthermore, despite the adoption and continued application of a self-imposed ban by Bangladesh on the exportation of betel leaves since May 2013, 29 cases of RASFF notifications have still been reported since its adoption. Therefore, it cannot be concluded that guarantees provided by Bangladesh are sufficient to address the serious risks to human health. The emergency measures established by Implementing Decision 2014/88/EU should therefore remain in place.
- (5) The period of application of Implementing Decision 2014/88/EU should therefore be further extended.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ Commission Implementing Decision 2014/88/EU of 13 February 2014 suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper betle') (OJ L 45, 15.2.2014, p. 34).

⁽³⁾ Commission Implementing Decision 2014/510/EU of 29 July 2014 amending Implementing Decision 2014/88/EU suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper betle') as regards its period of application (OJ L 228, 31.7.2014, p. 33).

⁽⁴⁾ Commission Implementing Decision (EU) 2015/1028 of 26 June 2015 amending Implementing Decision 2014/88/EU suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper betle') as regards its period of application (OJ L 163, 30.6.2015, p. 53).

⁽⁵⁾ Commission Implementing Decision (EU) 2016/884 of 1 June 2016 amending Implementing Decision 2014/88/EU suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper betle') as regards its period of application (OJ L 146, 3.6.2016, p. 29).

⁽⁶⁾ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Article 4 of Implementing Decision 2014/88/EU is replaced by the following:

‘Article 4

This Decision shall apply until 30 June 2020.’.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 June 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2018/936**of 29 June 2018****authorising Member States to adopt certain derogations pursuant to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods***(notified under document C(2018) 4003)*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods ⁽¹⁾, and in particular Articles 6(2) and (4) thereof,

Whereas:

- (1) Annex I, Section I.3, Annex II, Section II.3 and Annex III, Section III.3 to Directive 2008/68/EC contain lists of national derogations, allowing specific national circumstances to be taken into account. Several new national derogations and several amendments to authorised derogations were requested by certain Member States.
- (2) These derogations should be authorised.
- (3) As Annex I, Section I.3, Annex II, Section II.3 and Annex III, Section III.3 have therefore to be adapted, it is appropriate, for reasons of clarity, to replace them in their entirety.
- (4) Directive 2008/68/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee on transport of dangerous goods set up by Directive 2008/68/EC,

HAS ADOPTED THIS DECISION:

Article 1

The Member States listed in the Annex are authorised to implement the derogations set out therein regarding the transport of dangerous goods in their territory.

These derogations shall be applied without discrimination.

Article 2

Annex I, Section I.3, Annex II, Section II.3 and Annex III, Section III.3 to Directive 2008/68/EC are amended in accordance with the Annex to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 June 2018.

For the Commission

Violeta BULC

Member of the Commission

⁽¹⁾ OJ L 260, 30.9.2008, p. 13.

ANNEX

Annexes I, II and III to Directive 2008/68/EC are amended as follows:

(1) in Annex I, Section I.3 is replaced by the following:

I.3. National derogations

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: RO-a/bi/bii-MS-nn

RO = Road

a/bi/bii = Article 6(2) a/bi/bii

MS = Abbreviation of Member State

nn = order number

Based on Article 6(2)(a) of Directive 2008/68/EC

AT Austria

RO-a-AT-1

Subject: Small quantities of all classes except 1, 6.2 and 7

Reference to Annex I, Section I.1 to Directive 2008/68/EC: 3.4

Content of the Annex to the Directive: Transport of dangerous goods packed in limited quantities

Content of the national legislation: Up to 30 kg or l of dangerous goods not belonging to transport category 0 or 1 in LQ inner packagings or in packages in line with ADR or being robust articles may be packed together in X tested boxes.

End-users are allowed to fetch them from the shop and to bring them back, retailers to carry them to end-users or between their own shops.

The limit per transport unit is 333 kg or l, the permitted perimeter 100 km.

The boxes have to be marked uniformly and accompanied by a simplified transport document.

Only a few loading and handling provisions apply.

Initial reference to the national legislation: -

Comments:

Expiry date: 30 June 2022

BE Belgium

RO-a-BE-1

Subject: Class 1 — Small quantities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6

Content of the Annex to the Directive: 1.1.3.6 limits to 20 kg the quantity of mining explosives which can be transported in an ordinary vehicle.

Content of the national legislation: Operators of depots remote from supply points may be authorised to transport 25 kg of dynamite or powerful explosives and 300 detonators at the most in ordinary motor vehicles, subject to conditions to be set by the explosives service.

Initial reference to the national legislation: *Article 111 de l'arrêté royal 23 septembre 1958 sur les produits explosifs.*

Expiry date: 30 June 2020

RO-a-BE-2

Subject: Transport of uncleaned empty containers having contained products of different classes.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.6

Content of the national legislation: Indication on the transport document 'uncleaned empty packages having contained products of different classes'.

Initial reference to the national legislation: Dérogation 6-97.

Expiry date: 31 December 2022

RO-a-BE-3

Subject: Adoption of RO-a-UK-4.

Initial reference to the national legislation: derogation 4-2004

Expiry date: 31 December 2022

RO-a-BE-4

Subject: exemption of all ADR requirements for the national transport of maximum 1 000 used ionic smoke detectors from private households to the treatment facility in Belgium via the collection points foreseen in the scenario for the selective collection of smoke detectors.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: all requirements

Content of the national legislation: The domestic use of ionic smoke detectors is not submitted to regulatory control from a radiological point of view once the smoke detector is of an approved type. The transport of these smoke detectors to the end user is also exempted from ADR requirements. (see 1.7.1.4. e)).

Directive 2002/96/EC (on waste electric and electronic equipments) requires the selective collection of used smoke detectors for treatment of the circuit boards and, for the ionic smoke detectors, to take out the radioactive substances. To make this selective collection possible a scenario has been developed to stimulate private households to bring their used smoke detectors to a collection point from which these detectors can be carried to a treatment facility sometimes via a second collection point or an intermediate storage place.

At the collection points metal packagings will be made available wherein a maximum of 1 000 smoke detectors can be packed. From these points one such package with the smoke detectors can be transported together with others wastes to an intermediate storage or the treatment facility. The package will be labelled with the word 'smoke detector'.

Initial reference to the national legislation: scenario for the selective collection of smoke detectors makes part of the conditions for removal of approved instruments foreseen in Article 3.1.d.2 of the royal decree of 20 July 2001: the general radiation protection regulation.

Comments: This derogation is necessary to make the selective collection of used ionic smoke detectors possible.

Expiry date: 30 June 2020

DE Germany

RO-a-DE-1

Subject: Mixed packing and mixed loading of car parts with classification 1.4G together with certain dangerous goods (n4).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.10 and 7.5.2.1

Content of the Annex to the Directive: Provisions on mixed packing and mixed loading.

Content of the national legislation: UN 0431 and UN 0503 may be loaded together with certain dangerous goods (products related to car manufacturing) in certain amounts, listed in the exemption. The value 1 000 (comparable with 1.1.3.6.4) shall not be exceeded.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 28.*

Comments: The exemption is needed to provide fast delivery of safety car parts depending on local demand. Due to the wide product range storage of these products using local garages is not common.

Expiry date: 30 June 2021

RO-a-DE-2

Subject: Exemption from the requirement to carry a transport document and a shippers' declaration for certain quantities of dangerous goods as defined in 1.1.3.6 (n1).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.1 and 5.4.1.1.6

Content of the Annex to the Directive: contents of the transport document.

Content of the national legislation: For all classes except Class 7: no transport document is needed if the quantity of the goods transported does not exceed the quantities given in 1.1.3.6.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 18.*

Comments: The information provided by the marking and labelling of packages is considered sufficient for national transport, as a transport document is not always appropriate where local distribution is involved.

Derogation registered by the Commission as No 22 (under Article 6(10) of Directive 94/55/EC).

Expiry date: 30 June 2021

RO-a-DE-3

Subject: Transportation of measurement standards and fuel pumps (empty, non-cleaned).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Provisions for UN numbers 1202, 1203 and 1223.

Content of the Annex to the Directive: Packaging, marking, documents, transport and handling instructions, instructions for vehicle crews.

Content of the national legislation: Specification of applicable regulations and ancillary provisions for applying the derogation; up to 1 000 l: comparable with empty, non-cleaned packaging; above 1 000 l: compliance with certain regulations for tanks; transportation empty and non-cleaned only.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 24.*

Comments: List No 7, 38, 38a.

Expiry date: 30 June 2021

RO-a-DE-5

Subject: Combined packaging authorisation.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.10.4 MP2

Content of the Annex to the Directive: Prohibition of combined packaging.

Content of the national legislation: Classes 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Classes 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 21.*

Comments: List No 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

Expiry date: 30 June 2021

DK Denmark

RO-a-DK-2

Subject: Road transport of packaging containing explosive substances and packaging containing detonators on the same vehicle.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5.2.2

Content of the Annex to the Directive: Mixed packing provisions.

Content of the national legislation: The rules in the ADR must be observed when transporting dangerous goods by road.

Initial reference to the national legislation: *Bekendtgørelse nr. 729 of 15. august 2001 om vejtransport af farligt gods § 4, stk. 1.*

Comments: There is a practical need for being able to pack explosive substances together with detonators on the same vehicle when transporting such goods from where they are stored to the workplace and back again.

When the Danish legislation concerning the transport of dangerous goods is amended, the Danish authorities will allow such transport under the following conditions:

1. Not more than 25 kg explosive substances under group D are being transported.
2. Not more than 200 pieces of detonators under group B are being transported.
3. Detonators and explosive substances must be packed separately in UN-certified packaging in accordance with the rules set out in Directive 2000/61/EC amending Directive 94/55/EC.
4. The distance between packaging that contains detonators and packaging that contains explosive substances must be at least 1 metre. This distance has to be observed even after a sudden application of the brakes. Packaging containing explosive substances and packaging containing detonators must be placed in a way that makes it possible quickly to remove them from the vehicle.
5. All other rules concerning the transport of dangerous goods by road must be observed.

Expiry date: 30 June 2021

RO-a-DK-3

Subject: Road transport of packagings and articles containing wastes or residues of dangerous goods of certain classes from households and enterprises for the purpose of disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts and chapters 2, 3, 4.1, 5.1, 5.2, 5.4, 6, 8.1 and 8.2.

Content of the Annex to the Directive: Classification provisions, special provisions, packing provisions, consignment procedures, requirements for the construction and testing of packagings, general requirements concerning transport units and equipment on board and training requirements.

Content of the national legislation: Inner packagings and articles containing waste or residues of dangerous goods of certain classes collected from private households or enterprises for the purpose of disposal may be packed together in certain outer packagings and/or overpacks and carried under special consignment procedures including special packing and marking restrictions. The quantity of dangerous goods per inner packaging, per outer packaging and/or per transport unit is restricted.

Initial reference to the national legislation: *Bekendtgørelse nr. 818 af 28. juni 2011 om vejtransport af farligt gods § 4, stk. 3.*

Comments: It is not possible for waste managers to apply all provisions of Annex I, Section I.1 to Directive 2008/68/EC when wastes with residual amounts of dangerous goods have been collected from private households and enterprises to be carried for disposal. The waste is usually contained in packagings that have been sold in retail.

Expiry date: 1 January 2019

FI Finland

RO-a-FI-1

Subject: Transport of dangerous goods in certain amounts in buses

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Part 1, 4 and 5

Content of the Annex to the Directive: Exemptions, Packaging provisions, Marking and Documentations.

Content of the national legislation:

In buses with passengers, small amounts of specified dangerous goods may be transported as freight so that the total quantity does not exceed 200 kilos. In a bus, a private individual may transport dangerous goods referred to in section 1.1.3 where the goods in question are packaged for retail sale and are intended for their personal use. The total quantity of flammable liquids filled in refillable receptacles may not exceed 5 litres.

Initial reference to the national legislation:

Finnish Transport Safety Agency Regulation on the Transport of Dangerous Goods by Road and Government Decree on the Transport of Dangerous Goods by Road (194/2002)

Expiry date: 30 June 2021

RO-a-FI-2

Subject: Description of empty tanks in the transport document

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Part 5, 5.4.1

Content of the Annex to the Directive:

Special provisions for carriage in tank-vehicles or transport units with more than one tank

Content of the national legislation:

When transporting empty, uncleaned tank-vehicles or transport units having one or more tanks marked in accordance with 5.3.2.1.3, the last transported substance marked in the transport document may be the substance with the lowest flash-point.

Initial reference to the national legislation:

Finnish Transport Safety Agency Regulation on the Transport of Dangerous Goods by Road

Expiry date: 30 June 2021

RO-a-FI-3

Subject: Placarding and marking of the transport unit for explosives.

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3.2.1.1

Content of the Annex to the Directive: General orange-coloured plate marking provisions

Content of the national legislation:

Transport units (normally vans) transporting small amounts of explosives (maximum net mass 1 000 kg) to quarries and working sites may be affixed at the front and the rear with a placard model No 1.

Initial reference to the national legislation:

Finnish Transport Safety Agency Regulation on the Transport of Dangerous Goods by Road

Expiry date: 30 June 2021

FR France

RO-a-FR-2

Subject: Transport of waste arising from care activities involving a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the national legislation: Exemption from the requirements of the ADR for the transport of waste arising from care activities presenting a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Initial reference to the national legislation: *Arrêté du 1^{er} juin 2001 relatif au transport des marchandises dangereuses par route — Article 12.*

Expiry date: 30 June 2021

RO-a-FR-5

Subject: Transport of dangerous goods in public passenger transport vehicles (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.3.1.

Content of the Annex to the Directive: Transport of passengers and dangerous goods.

Content of the national legislation: Transport of dangerous goods other than those of class 7, authorised in public transport vehicles as hand luggage: only the provisions relating to the packaging, marking and labelling of parcels set out in 4.1, 5.2 and 3.4 apply.

Initial reference to the national legislation: *Arrêté du 29 mai 2009 relatif au transport des marchandises dangereuses par voies terrestres, annexe I paragraphe 3.1.*

Comments: Only dangerous goods for personal or own professional use are permitted to be carried in hand luggage. Portable gas receptacles are allowed for patients with respiratory problems in the necessary amount for one journey.

Expiry date: 28 February 2022

RO-a-FR-6

Subject: Own-account transport of small quantities of dangerous goods (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Obligation to have a transport document.

Content of the national legislation: Own-account transport of small quantities of dangerous goods other than class 7, not exceeding the limits set in 1.1.3.6 is not subject to the obligation to have a transport document provided for in 5.4.1.

Initial reference to the national legislation: *Arrêté du 29 mai 2009 relatif au transport des marchandises dangereuses par voies terrestres annexe I, paragraphe 3.2.1.*

Expiry date: 28 February 2022

RO-a-FR-7

Subject: Road transport of samples of chemical substances, mixtures and articles containing dangerous goods for the purpose of market surveillance

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1 to 9

Content of the Annex to the Directive: General provisions, classification, special provisions and exemptions concerning the carriage of dangerous goods packed in limited quantities, provisions concerning the use of packaging and tanks, consignment procedures, packaging construction requirements, provisions concerning transport conditions, handling, loading and unloading, requirements concerning transport equipment and transport operations, requirements concerning the construction and approval of vehicles.

Content of the national legislation: Samples of chemical substances, mixtures and articles containing dangerous goods and carried for analysis as a part of market surveillance activity shall be packed in combination packagings. They shall comply with the rules concerning maximum quantities for inner packaging depending on the type of the dangerous good involved. The outer packaging shall comply with the requirements for solid plastic boxes (4H2, Chapter 6.1 of Annex I, Section I.1 to Directive 2008/68/EC). The outer packaging must bear the marking of Section 3.4.7, Annex I, Section I.1 to Directive 2008/68/EC and the text 'Samples for analysis' (in French: 'Echantillons destinés à l'analyse'). Provided that these provisions are complied with, the carriage is not subject to the provisions of Annex I, Section I.1 to Directive 2008/68/EC.

Initial reference to the national legislation: *Arrêté du 12 décembre 2012 modifiant l'arrêté du 29 mai 2009 relatif aux transports de marchandises dangereuses par voies terrestres*

Comments: The exemption of Section 1.1.3, Annex I, Section I.1 to Directive 2008/68/EC does not provide for the transport of samples of dangerous goods for analysis taken by or on behalf of the competent authorities. To ensure effective market surveillance, France has introduced a procedure based on the system applicable to limited quantities for ensuring the safety of transport of samples containing dangerous goods. As it is not always feasible to apply the provisions of table A the quantity limit for the inner packaging has been defined in a more operational way.

Expiry date: 1 January 2019

HU Hungary

RO-a-HU-1

Subject: Adoption of RO-a-DE-2

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Expiry date: 30 January 2020

RO-a-HU-2

Subject: Adoption of RO-a-UK-4

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Expiry date: 30 January 2020

IE Ireland

RO-a-IE-1

Subject: Exemption from the requirement of 5.4.0 of the ADR for a transport document for the carriage of pesticides of ADR Class 3, listed under 2.2.3.3 as FT2 pesticides (f.p. < 23 °C) and ADR Class 6.1, listed under 2.2.61.3 as T6 pesticides, liquid (flash point not less than 23 °C), where the quantities of dangerous goods being carried do not exceed the quantities set out in 1.1.3.6 of the ADR.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4

Content of the Annex to the Directive: Requirement for transport document.

Content of the national legislation: A transport document is not required for the carriage of pesticides of ADR Classes 3 and 6.1, where the quantity of dangerous goods being carried does not exceed the quantities set out in 1.1.3.6 of the ADR.

Initial reference to the national legislation: *Regulation 82(9) of the 'Carriage of Dangerous Goods by Road Regulations 2004'*.

Comments: Unnecessary, onerous requirement for local transport and delivery of such pesticides.

Expiry date: 30 June 2021

RO-a-IE-4

Subject: Exemption from the requirements of 5.3, 5.4, 7 and Annex B of the ADR, in relation to the carriage of gas cylinders of dispensing agents (for beverages) where they are carried on the same vehicle as the beverages (for which they are to be used).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3, 5.4, 7 and Annex B.

Content of the Annex to the Directive: The marking of the vehicles, the documentation to be carried and the provisions concerning transport equipment and transport operations.

Content of the national legislation: Exemption from the requirements of 5.3, 5.4, 7 and Annex B of the ADR for cylinders of gases, used as dispensing agents for beverages, where these cylinders of gases are carried on the same vehicle as the beverages (for which they are to be used).

Initial reference to the national legislation: Proposed amendment to 'Carriage of Dangerous Goods by Road Regulations, 2004'.

Comments: The main activity consists of the distribution of packages of beverages, which are not substances according to the ADR, together with small quantities of small cylinders of associated dispensing gases.

Previously under Article 6(10) of Directive 94/55/EC.

Expiry date: 30 June 2021

RO-a-IE-5

Subject: Exemption, for national transport within Ireland, from the construction and testing requirements for receptacles, and their provisions on use, contained in 6.2 and 4.1 of the ADR, for cylinders and pressure drums of gases of Class 2 that have undergone a multimodal transport journey, including maritime carriage, where (i) these cylinders and pressure drums are constructed, tested and used in accordance with the IMDG Code, (ii) these cylinders and pressure drums are not refilled in Ireland but returned nominally empty to the country of origin of the multimodal transport journey, and (iii) these cylinders and pressure drums are distributed locally in small quantities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.4.2, 4.1 and 6.2.

Content of the Annex to the Directive: Provisions relating to multimodal transport journeys, including maritime carriage, use of cylinders and pressure drums for gases of ADR Class 2, and construction and testing of these cylinders and pressure drums for gases of ADR Class 2.

Content of the national legislation: The provisions of 4.1 and 6.2 do not apply to cylinders and pressure drums of gases of Class 2, provided (i) these cylinders and pressure drums are constructed and tested in accordance with the IMDG Code, (ii) these cylinders and pressure drums are used in accordance with the IMDG Code, (iii) these cylinders and pressure drums were transported to the consignor by means of multimodal transport, including maritime carriage, (iv) the transport of these cylinders and pressure drums to the final user consists only of a single transport journey, completed within the same day, from the consignee of the multimodal transport operation (referred to in (iii)), (v) these cylinders and pressure drums are not refilled within the State and are returned nominally empty to the country of origin of the multimodal transport operation (referred to in (iii)), and (vi) these cylinders and pressure drums are distributed locally within the State in small quantities.

Initial reference to the national legislation: Proposed amendment to 'Carriage of Dangerous Goods by Road Regulations, 2004'.

Comments: The gases contained in these cylinders and pressure drums are of a specification, required by the final user, which results in the need to import them from outside the ADR area. Following use, these nominally empty cylinders and pressure drums are required to be returned to the country of origin, for refilling with the specially specified gases — they are not to be refilled within Ireland or indeed within any part of the ADR area. Though not in compliance with the ADR, they are in compliance with and accepted for the purposes of the IMDG Code. The multimodal transport, beginning from outside the ADR area, is intended to finish at the importer's premises, from where it is intended that these cylinders and pressure drums be distributed to the final user locally within Ireland in small quantities. This carriage, within Ireland, would fall within the amended Article 6(9) of Directive 94/55/EC.

Expiry date: 30 June 2021

RO-a-IE-6

Subject: Exemption from some of the provisions of Annex I, Section I.1, to Directive 2008/68/EC on the packaging, marking and labelling of small quantities (below the limits in 1.1.3.6) of time expired pyrotechnic articles of classification codes 1.3G, 1.4G and 1.4S of Class 1 of Annex I, Section I.1, to Directive 2008/68/EC, bearing the respective substance identification numbers UN 0092, UN 0093, UN 0191, UN 0195, UN 0197, UN 0240, UN 0312, UN 0403, UN 0404, UN 0453, UN 0505, UN 0506 or UN 0507 for carriage to a military barracks or range for disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1, 2, 4, 5 and 6

Content of the Annex to the Directive: General provisions. Classification. Packaging provisions. Consignment provisions. Construction and testing of packages.

Content of the national legislation: The provisions of Annex I, Section I.1, to Directive 2008/68/EC on the packaging, marking and labelling of time expired pyrotechnic articles bearing the respective UN numbers UN 0092, UN 0093, UN 0191, UN 0195, UN 0197, UN 0240, UN 0312, UN 0403, UN 0404, UN 0453, UN 0505, UN 0506 or UN 0507 for carriage to a military barracks or range do not apply provided the general packaging provisions of Annex I, Section I.1, to Directive 2008/68/EC are complied with and additional information is included in the transport document. The derogation applies only to the local transport, to a military barracks or range, of small quantities of these time-expired pyrotechnics for safe disposal.

Initial reference to the national legislation: S.I. 349 of 2011 Regulation 57(f) and (g)

Comments: The carriage of small quantities of 'time expired' marine pyrotechnics, especially from pleasure boat owners and ship chandlers, to a military barracks or range for their safe disposal has created difficulties, particularly in relation to packaging requirements. The derogation is for small quantities (below those specified in 1.1.3.6) for local transport, encompassing all UN numbers assigned to maritime pyrotechnics.

Expiry date: 30 January 2020

RO-a-IE-7

Subject: Adoption of RO-a-UK-4

Initial reference to the national legislation: -

Expiry date: 30 June 2022

*PT Portugal**RO-a-PT-3*

Subject: Adoption of RO-a-UK-4

Initial reference to the national legislation:-

Expiry date: 30 January 2022

*SE Sweden**RO-a-SE-1*

Subject: Adoption of RO-a-FR-7

Legal basis: Directive 2008/68/EC, Article 6(2)(a) (Small quantities)

Reference to the Annex I, Section I, 1 to Directive 2008/68/EC: Part 1 to 9.

Context of the Directive:

Reference to the national legislation: Särskilda bestämmelser om visa inrikes transporter av farligt gods på väg och i terräng.

Comments:

Expiry date: 30 June 2022

UK United Kingdom

RO-a-UK-1

Subject: Carriage of certain items containing low-hazard radioactive material, such as clocks, watches, smoke detectors, compass dials (E1).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Most requirements of the ADR

Content of the Annex to the Directive: Requirements concerning the carriage of Class 7 material.

Content of the national legislation: Total exemption from the provisions of the national regulations for certain commercial products containing limited quantities of radioactive material. (A luminous device intended to be worn by a person; in any one vehicle or railway vehicle no more than 500 smoke detectors for domestic use with an individual activity not exceeding 40 kBq; or in any one vehicle or railway vehicle no more than five gaseous tritium light devices with an individual activity not exceeding 10 GBq).

Initial reference to the national legislation: *The Radioactive Material (Road Transport) Regulations 2002: Regulation 5(4)(d). The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(10).*

Comments: This derogation is a short-term measure, which will no longer be required when similar amendments to the International Atomic Energy Agency (IAEA) regulations have been incorporated into the ADR.

Expiry date: 30 June 2021

RO-a-UK-2

Subject: Exemption from the requirement to carry a transport document for certain quantities of dangerous goods (other than Class 7) as defined in 1.1.3.6 (E2).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6.2 and 1.1.3.6.3.

Content of the Annex to the Directive: Exemptions from certain requirements for certain quantities per transport unit.

Content of the national legislation: Transport document is not required for limited quantities, except where these form part of a larger load.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(7)(a).*

Comments: This exemption is suited to national transport, where a transport document is not always appropriate in cases where local distribution is involved.

Expiry date: 30 June 2021

RO-a-UK-3

Subject: Exemption from the requirement for vehicles carrying low-level radioactive material to carry fire-fighting equipment (E4).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.1.4.

Content of the Annex to the Directive: Requirement for vehicles to carry fire-fighting appliances.

Content of the national legislation: Removes requirement to carry fire extinguishers when carrying only excepted packages (UN 2908, 2909, 2910 and 2911).

Restricts the requirement where only a small number of packages are carried.

Initial reference to the national legislation: *The Radioactive Material (Road Transport) Regulations 2002: Regulation 5(4)(d).*

Comments: Carriage of fire-fighting equipment is in practice irrelevant to the transport of UN 2908, 2909, 2910, UN 2911, which may often be carried in small vehicles.

Expiry date: 30 June 2021

RO-a-UK-4

Subject: Distribution of goods in inner packagings to retailers or users (excluding those of classes 1, 4.2, 6.2 and 7) from local distribution depots to retailers or users and from retailers to end users (N1).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 6.1.

Content of the Annex to the Directive: Requirements for the construction and testing of packaging.

Content of national legislation: Packaging is not required to have been allocated an RID/ADR or UN mark or to be otherwise marked if it contains goods as set out in Schedule 3.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7(4) and Regulation 36 Authorisation Number 13.*

Comments: The requirements of the ADR are inappropriate for the final stages of carriage from a distribution depot to a retailer or user or from a retailer to an end user. The purpose of this derogation is to allow the inner receptacles of goods for retail distribution to be carried on the final leg of a local distribution journey without an outer packaging.

Expiry date: 30 June 2021

RO-a-UK-5

Subject: To allow different 'maximum total quantity per transport unit' for Class 1 goods in categories 1 and 2 of table in 1.1.3.6.3 (N10).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6.3 and 1.1.3.6.4.

Content of the Annex to the Directive: Exemptions related to quantities carried per transport unit.

Content of the national legislation: Lays down rules regarding exemptions for limited quantities and mixed loading of explosives.

Initial reference to the national legislation: *Carriage of Explosives by Road Regulations 1996, reg. 13 and Schedule 5; reg. 14 and Schedule 4.*

Comments: To allow different quantity limits for Class 1 goods, viz '50' for Category 1 and '500' for category 2. For the purpose of calculating mixed loads, the multiplication factors to read '20' for Transport Category 1 and '2' for Transport Category 2.

Previously under Article 6(10) of Directive 94/55/EC.

Expiry date: 30 June 2021

RO-a-UK-6

Subject: Increase of maximum net mass of explosive articles permissible in EX/II vehicles (N13).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5.5.2.

Content of the Annex to the Directive: Limitations on quantities carried for explosive substances and articles.

Content of the national legislation: Limitations on quantities carried for explosive substances and articles.

Initial reference to the national legislation: *Carriage of Explosives by Road Regulations 1996, reg. 13, Schedule 3.*

Comments: UK Regulations allow a maximum net mass of 5 000 kg in Type II vehicles for Compatibility Groups 1.1C, 1.1D, 1.1E and 1.1 J.

Many articles of Class 1.1C, 1.1D, 1.1E and 1.1 J being moved in the Union are large or bulky and exceed about 2,5 m in length. They are primarily explosive articles for military use. The limitations on the construction for EX/III vehicles (which are required to be closed vehicles) make it very difficult to load and unload such articles. Some articles would require specialist loading and unloading equipment at both ends of the journey. In practice, this equipment rarely exists. There are few EX/III vehicles in use in the UK and it would be extremely onerous on industry to require further specialist EX/III vehicles to be constructed to carry this type of explosive.

In the UK military explosives are mostly carried by commercial carriers and are thus unable to take advantage of the exemption for military vehicles in Directive 2008/68/EC. To overcome this problem, the UK has always permitted the carriage of up to 5 000 kg of such articles on EX/II vehicles. The present limit is not always sufficient because an article may contain more than 1 000 kg of explosive.

Since 1950 there have been only two incidents (both in the 1950s) involving blasting explosives with a weight above 5 000 kg. The incidents were caused by a tyre fire and a hot exhaust system setting fire to the sheeting. The fires could have occurred with a smaller load. There were no fatalities or injuries.

There is empirical evidence to suggest that correctly packaged explosive articles would be unlikely to ignite due to impact, e.g. from vehicle collisions. Evidence from military reports and from trials data on missile impact tests shows that it needs an impact velocity in excess of that created by the 12 metre drop test to bring about the ignition of cartridges.

Present safety standards would not be affected.

Expiry date: 30 June 2021

RO-a-UK-7

Subject: Exemption from supervision requirements for small quantities of certain Class 1 goods (N12).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.4 and 8.5 S1(6).

Content of the Annex to the Directive: Supervision requirements for vehicles carrying certain quantities of dangerous goods.

Content of the national legislation: Provides for safe parking and supervision facilities but does not require that certain Class 1 loads be supervised at all times as required in the ADR 8.5 S1(6).

Initial reference to the national legislation: *Carriage of Dangerous Goods by Road Regulations 1996, reg. 24.*

Comments: The supervision requirements of the ADR are not always feasible in a national context.

Expiry date: 30 June 2021

RO-a-UK-8

Subject: Easing of restrictions on transporting mixed loads of explosives, and explosives with other dangerous goods, in wagons, vehicles and containers (N4/5/6).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5.2.1 and 7.5.2.2.

Content of the Annex to the Directive: Restrictions on certain types of mixed loading.

Content of the national legislation: National legislation is less restrictive regarding mixed loading of explosives, providing such carriage can be accomplished without risk.

Initial reference to the national legislation: *Carriage of Dangerous Goods by Road Regulations 1996, Regulation 18.*

Comments: The UK wishes to permit some variations on the rules for mixing explosives with other explosives and for explosives with other dangerous goods. Any variation will have a quantity limitation on one or more constituent parts of the load and would only be permitted provided that 'all reasonably practicable measures have been taken to prevent the explosives being brought into contact with, or otherwise endangering or being endangered by, any such goods'.

Examples of variations the UK may want to permit are:

1. Explosives allocated on classification to UN Numbers 0029, 0030, 0042, 0065, 0081, 0082, 0104, 0241, 0255, 0267, 0283, 0289, 0290, 0331, 0332, 0360 or 0361 may be carried in the same vehicle with dangerous goods allocated on classification to UN Number 1942. The quantity of UN 1942 permitted to be carried shall be limited by deeming it to be an explosive of 1.1D.

2. Explosives allocated on classification to UN Numbers 0191, 0197, 0312, 0336, 0403, 0431 or 0453 may be carried in the same vehicle with dangerous goods (except flammable gases, infectious substances and toxic substances) in transport category 2 or dangerous goods in transport category 3, or any combination of them, provided the total mass or volume of dangerous goods in transport category 2 does not exceed 500 kg or l and the total net mass of such explosives does not exceed 500 kg.
3. Explosives of 1.4G may be carried with flammable liquids and flammable gases in transport category 2 or non-flammable, non-toxic gases in transport category 3, or in any combination of them in the same vehicle, provided the total mass or volume of dangerous goods when added together does not exceed 200 kg or l and the total net mass of explosives does not exceed 20 kg.
4. Explosive articles allocated on classification to UN Numbers 0106, 0107 or 0257 may be carried with explosive articles in Compatibility Group D, E or F for which they are components. The total quantity of explosives of UN Numbers 0106, 0107 or 0257 shall not exceed 20 kg.

Expiry date: 30 June 2021

RO-a-UK-9

Subject: Alternative to display of orange plates for small consignments of radioactive material in small vehicles.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3.2.

Content of the Annex to the Directive: Requirement for orange plates to be displayed on small vehicles carrying radioactive material.

Content of the national legislation: Permits any derogation approved under this process. The derogation requested is:

Vehicles must either:

- (a) be placarded according to the applicable provisions of ADR paragraph 5.3.2; or
- (b) in the case of a vehicle carrying not more than ten packages containing non-fissile or fissile excepted radioactive material and where the sum of the transport indexes of these packages does not exceed 3, may alternatively carry a notice complying with the requirements laid down in national legislation.

Initial reference to the national legislation: *The Radioactive Material (Road Transport) Regulations 2002, Regulation 5(4)(d).*

Comments:

Expiry date: 30 June 2021

RO-a-UK-10

Subject: Transport of waste arising from care activities involving a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: all provisions.

Content of national legislation: Exemption from the requirements of Annex I, Section I.1 for the transport of waste arising from care activities involving a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Initial reference to the national legislation: This derogation was initially issued under The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 as amended.

Expiry date: 1 January 2023.

Based on Article 6(2)(b)(i) of Directive 2008/68/EC

BE Belgium

RO-bi-BE-4

Subject: Transport of dangerous goods in tanks for elimination by incineration.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 3.2.

Content of the national legislation: By derogation from the table in 3.2 it is permitted to use a tank-container with tank-code L4BH instead of tank-code L4DH for the carriage of water reactive liquid, toxic, III, n.o.s. under certain conditions.

Initial reference to the national legislation: *Dérogation 01 — 2002*.

Comments: This regulation may only be used for the short-distance transport of hazardous waste.

Expiry date: 30 June 2020

RO-bi-BE-5

Subject: Carriage of waste to waste disposal plants.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.2, 5.4, 6.1.

Content of the Annex to the Directive: Classification, marking and requirements concerning the packaging.

Content of the national legislation: Instead of classifying waste according to the ADR, waste is assigned to different groups (flammable solvents, paints, acids, batteries, etc.) to avoid dangerous reactions within one group. The requirements for the manufacture of packaging are less restrictive.

Initial reference to the national legislation: *Arrêté royal relatif au transport des marchandises dangereuses par route*

Comments: This regulation may be used for the carriage of small quantities of waste to disposal plants.

Expiry date: 31 December 2022

RO-bi-BE-6

Subject: Adoption of RO-bi-SE-5

Initial reference to the national legislation: derogation 01-2004

Expiry date: 31 December 2022

RO-bi-BE-7

Subject: Adoption of RO-bi-SE-6

Initial reference to the national legislation: derogation 02-2003

Expiry date: 31 December 2022

RO-bi-BE-8

Subject: Adoption of RO-bi-UK-2

Initial reference to the national legislation: *Arrêté royal relatif au transport des marchandises dangereuses par route*

Expiry date: 31 December 2022

RO-bi-BE-10

Subject: Transport in close proximity of industrial sites including transport on public road.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Annexes A and B.

Content of the national legislation: The derogations concern the documentation, the driver's certificate, labelling and/or marking of packages.

Initial reference to the national legislation: derogations 10-2012, 12-2012, 24-2013, 31-2013, 07-2014, 08-2014, 09-2014 and 38-2014.

Expiry date: 31 December 2022

RO-bi-BE-11

Subject: collection of butane-propane cylinders without conforming labelling

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.2.2.1.1

Content of the Annex to the Directive: gas cylinders need to have hazard labels affixed.

Content of the national legislation: during the collection of cylinders which contained UN 1965, the missing hazard labels don't need to be replaced if the vehicle is correctly labelled (model 2.1)

Initial reference to the national legislation: derogation 14-2016

Expiry date: 31 December 2022

RO-bi-BE-12

Subject: transport of UN 3509 in sheeted bulk containers

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.3.2.1

Content of the Annex to the Directive: UN 3509 has to be carried in closed bulk containers

Content of the national legislation: UN 3509 can be carried in sheeted bulk containers

Initial reference to the national legislation: derogation 15-2016

Expiry date: 31 December 2022

RO-bi-BE-13

Subject: transport of DOT cylinders

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 6.2.3.4 to 6.2.3.9

Content of the Annex to the Directive: gas cylinders need to be manufactured and tested according to Chapter 6.2 of ADR

Content of the national legislation: gas cylinders constructed and tested according to the prescriptions of United States Department of Transportation (DOT) can be used for transport of a limited list of gases annexed to the derogation

Initial reference to the national legislation: derogation BWV01-2017

Expiry date: 31 December 2022

*DE Germany**RO-bi-DE-1*

Subject: Waiving of certain indications in the transport document (n2).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.1.

Content of the Annex to the Directive: Contents of the transport document.

Content of the national legislation: For all classes except classes 1 (except 1.4S), 5.2 and 7:

No indication needed in the transport document:

- (a) for the consignee in case of local distribution (except for full load and for transport with certain routings);
- (b) for the amount and types of packaging, if 1.1.3.6 is not applied and if the vehicle is in conformity with all the provisions of Annex A and B;
- (c) for empty uncleaned tanks the transport document of the last load is sufficient.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 18.*

Comments: Applying all provisions would not be practicable as regards the kind of traffic concerned.

Derogation was registered by the Commission as No 22 (under Article 6(10) of Directive 94/55/EC).

Expiry date: 30 June 2021

RO-bi-DE-3

Subject: Transportation of packaged hazardous waste.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packaging (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 20.*

Comments: List No 6*.

Expiry date: 30 June 2021

RO-bi-DE-5

Subject: Local transport of UN 3343 (nitroglycerine mixture, desensitised, liquid, flammable, not otherwise specified, with not more than 30 % nitroglycerine by mass) in tank-containers, derogating from sub-section 4.3.2.1.1 of Annex I, Section I.1 to Directive 2008/68/EC.

Reference to Annex I, section I.1 to Directive 2008/68/EC: 3.2, 4.3.2.1.1.

Content of the Annex to the Directive: Provisions on the use of tank-containers

Content of the national legal provisions: local transport of nitroglycerine (UN 3343) in tank-containers, over short distances, subject to compliance with the following conditions:

1. Requirements for the tank-containers

- 1.1. Only tank-containers specifically authorised for this purpose may be used, which in other respects comply with the provisions on construction, equipment, authorisation of the construction model, tests, labelling and operation in Chapter 6.8 of Annex I, Section I.1 to Directive 2008/68/EC.
- 1.2. The tank-container's closing mechanism must have a pressure-release system which yields to an internal pressure of 300 kPa (3 bar) above normal pressure and in so doing frees an upward-facing opening with a pressure-release area of at least 135 cm² (diameter 132 mm). The opening must not re-close after being activated. As a safety installation, one or more safety elements with the same activation behaviour and a corresponding pressure-release area can be used. The construction type of the safety installation must have successfully undergone type testing and type approval by the authority responsible.

2. Labelling

Each tank-container is to be labelled on both sides with a danger label in accordance with model 3 in sub-section 5.2.2.2.2 of Annex I, Section I.1 to Directive 2008/68/EC.

3. Operating provisions

- 3.1. It must be ensured that during transport the nitroglycerine is evenly distributed in the phlegmatisation medium and no de-mixing can take place.
- 3.2. During loading and unloading it is not permitted to remain in or on a vehicle, except in order to operate the loading and unloading equipment.
- 3.3. At the place of unloading, the tank-containers are to be completely emptied. If they cannot be completely emptied, they are to be closed tight after unloading until they are filled again.

Original reference to national legal provisions: derogation North Rhine-Westphalia

Remarks: This concerns local transport in tank-containers by road over short distances as part of an industrial process between two fixed production locations. In order to manufacture a pharmaceutical product, production location A delivers as part of a rule-compliant transport in 600 l tank-containers a resin solution, flammable (UN 1866), packaging group II, to production location B. Here a nitroglycerine solution is added and mixing takes place, producing a glue mixture containing nitroglycerine, desensitised, liquid, flammable, not otherwise specified, with not more than 30 % nitroglycerine by mass (UN 3343) for further use. The return transport of this substance to production location A also takes place in the said tank-containers, which have been specially checked and approved by the relevant authority for this specific transport operation and bear the tank code L10DN.

End of the period of validity: 30 June 2022

RO-bi-DE-6

Subject: Adoption of RO-bi-SE-6.

Initial reference to the national legislation: § 1 Absatz 3 Nummer 1 der Gefahrgutverordnung Straße, Eisenbahn und Binnenschifffahrt (GGVSEB)

Expiry date: 30 June 2021

RO-bi-DE-7

Subject: Adoption of RO-bi-BE-10

Initial reference to the national legislation:

Expiry date: 20 March 2021

DK Denmark

RO-bi-DK-1

Subject: UN 1202, 1203, 1223 and Class 2 — no transport document.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Transport document needed.

Content of the national legislation: When transporting mineral oil products in Class 3, UN 1202, 1203 and 1223 and gases in Class 2 in connection with distribution (goods to be delivered to two or more recipients and collection of returned goods in similar situations), a transport document is not required provided the written instructions besides the information requested in the ADR, contain information relating to the UN-No, name and class.

Initial reference to the national legislation: *Bekendtgørelse nr. 729 af 15.8.2001 om vejtransport af farligt gods.*

Comments: The reason for having that national derogation is that the development of electronic equipment makes it possible for e.g. the oil companies using such equipment to transmit continuously to the vehicles information about the customers. As this information is not available at the beginning of the transport operation and will be forwarded to the vehicle during the transport journey, it is not possible — before the transport begins — to draw up the transport documents. These kinds of transport are restricted to limited areas.

Derogation for Denmark for a similar provision under Article 6(10) of Directive 94/55/EC.

Expiry date: 30 June 2021

RO-bi-DK-2

Subject: Adoption of RO-bi-SE-6

Initial reference to the national legislation: *Bekendtgørelse nr. 437 af 6. juni 2005 om vejtransport af farligt gods, as amended.*

Expiry date: 30 June 2021

RO-bi-DK-3

Subject: Adoption of RO-bi-UK-1

Initial reference to the national legislation: *Bekendtgørelse nr. 437 af 6. juni 2005 om vejtransport af farligt gods, as amended.*

Expiry date: 30 June 2021

RO-bi-DK-4

Subject: Road transport of dangerous goods of certain classes from private households and enterprises to nearby waste collecting points or intermediate processing facilities for the purpose of disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1 to 9

Content of the Annex to the Directive: General provisions, classification provisions, special provisions, packing provisions, consignment procedures, requirements for the construction and testing of packagings, provisions concerning the conditions of carriage, loading, unloading and handling, requirements for vehicle crews, equipment, operation and documentation and requirements concerning the construction and approval of vehicles.

Content of the national legislation: Dangerous goods from private households and enterprises may under certain conditions be carried to nearby waste collecting points or intermediate processing facilities for the purpose of disposal. Different provisions shall be complied with depending on the character and risks related to the transport; such as the quantity of dangerous goods per inner packaging, per outer packaging and/or per transport unit, and whether carriage of dangerous goods is ancillary to the main activity of the enterprises or not.

Initial reference to the national legislation: *Bekendtgørelse nr. 818 af 28. juni 2011 om vejtransport af farligt gods § 4, stk. 3.*

Comments: It is not possible for waste managers and enterprises to apply all provisions of Annex I, Section I.1 to Directive 2008/68/EC when wastes that may contain residues of dangerous goods are carried from private households and/or enterprises to nearby waste collecting points for the purpose of disposal. The waste is typically packagings that have been originally carried according to the exemption of sub-section 1.1.3.1 (c) of Annex I, Section I.1 to Directive 2008/68/EC and/or sold in retail. However, exemption 1.1.3.1 (c) does not apply to carriage to waste collecting points, and provisions of chapter 3.4 of Annex I, Section I.1 to Directive 2008/68/EC are not appropriate for carriage of waste inner packagings.

Expiry date: 1 January 2019

EL Greece

RO-bi-EL-1

Subject: Derogation from the safety requirements for fixed tanks (tank-vehicles) with a gross mass of less than 4 t used for the local transport of gas oil (UN 1202), first registered in Greece between 1 January 1991 and 31 December 2002.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.6.3.6, 6.8.2.4.2, 6.8.2.4.3, 6.8.2.4.4, 6.8.2.4.5, 6.8.2.1.17-6.8.2.1.22, 6.8.2.1.28, 6.8.2.2, 6.8.2.2.1, 6.8.2.2.2.

Content of the Annex to the Directive: Requirements for construction, equipment, type approval, inspections and tests, and marking of fixed tanks (tank-vehicles), removable tanks and tank containers and tank swap bodies, with shells made of metallic materials, and battery-vehicles and MEGCs.

Content of the national legislation: Transitional provision: Fixed tanks (tank-vehicles) with a gross mass of less than 4 t used for the local transport of gas oil only (UN 1202), first registered in Greece between 1 January 1991 and 31 December 2002 whose shell thickness is less than 3 mm, may still be used. It is intended to cover local transport for vehicles registered during that period. This transitional provision will be in force for tank vehicles only if they are transformed according to 6.8.2.1.20 and adapted according to:

1. Paragraphs of the ADR for inspection and tests: 6.8.2.4.2, 6.8.2.4.3, 6.8.2.4.4, 6.8.2.4.5
2. Tanks shall fulfil the requirements of 6.8.2.1.28, 6.8.2.2.1 and 6.8.2.2.2.

Initial reference to the national legislation: Τεχνικές Προδιαγραφές κατασκευής, εξοπλισμού και ελέγχων των δεξαμενών μεταφοράς συγκεκριμένων κατηγοριών επικινδύνων εμπορευμάτων για σταθερές δεξαμενές (οχήματα-δεξαμενές), αποσυναρμολογούμενες δεξαμενές που βρίσκονται σε κυκλοφορία (Requirements for construction, equipment, inspections and tests of fixed tanks (tank-vehicles) and removable tanks in circulation, for some categories of dangerous goods).

Expiry date: 30 June 2019

ES Spain

RO-bi-ES-2

Subject: Special equipment for distribution of anhydrous ammonia.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 6.8.2.2.2.

Content of the Annex to the Directive: In order to avoid any loss of contents in the event of damage to the external fittings (pipes, lateral shut-off devices), the internal stop valve and its seating must be protected against the danger of being wrenched off by external stresses or be so designed as to resist such stresses. The filling and discharge devices (including flanges or threaded plugs) and protective caps (if any) must be capable of being secured against any unintended opening.

Content of the national legislation: Tanks used for agricultural purposes for the distribution and application of anhydrous ammonia which were brought into service before 1 January 1997 may be equipped with external, instead of internal, safety fittings, provided they offer protection at least equivalent to the protection provided by the wall of the tank.

Initial reference to the national legislation: Real Decreto 97/2014. Anejo 1. Apartado 3.

Comments: Before 1 January 1997 a type of tank equipped with external safety fittings was used exclusively in agriculture to apply anhydrous ammonia directly onto the land. Various tanks of this kind are still in use today. They are rarely driven, laden, on the road, but are used solely for fertiliser on large farms.

Expiry date: 28 February 2022

FI Finland

RO-bi-FI-1

Subject: Modification of information in the transport document for explosive substances.

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.2.1(a)

Content of the Annex to the Directive: Special provisions for Class 1.

Content of the national legislation:

In the transport document it is permissible to use the number of detonators (1 000 detonators correspond to 1 kg explosives) instead of the actual net mass of explosive substances.

Initial reference to the national legislation:

Finnish Transport Safety Agency Regulation on the Transport of Dangerous Goods by Road

Comments:

The information is considered sufficient for national transport. This derogation is used mainly for the blasting industry in respect of small amounts transported locally.

Expiry date: 30 June 2021

RO-bi-FI-3

Subject: Adoption of RO-bi-DE-1

Initial reference to the national legislation:

Expiry date: 28 February 2022

RO-bi-FI-4

Subject: Adoption of RO-bi-SE-6

Initial reference to the national legislation: Government Decree on a Driving Certificate for Drivers of Vehicles Carrying Dangerous Goods (401/2011)

Expiry date: 30 June 2021

FR France

RO-bi-FR-1

Subject: Utilisation of maritime document as transport document for short-distance trips following unloading of vessel.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1

Content of the Annex to the Directive: Information to appear in the document used as transport document for hazardous goods.

Content of the national legislation: The maritime document is used as transport document within a radius of 15 km.

Initial reference to the national legislation: *Arrêté du 1^{er} juin 2001 relatif au transport des marchandises dangereuses par route — Article 23-4.*

Expiry date: 30 June 2021

RO-bi-FR-3

Subject: Transport of fixed LPG storage tanks (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the national legislation: The transport of fixed LPG storage tanks is subject to specific rules. Applicable only to short distances.

Initial reference to the national legislation: *Arrêté du 1^{er} juin 2001 relatif au transport des marchandises dangereuses par route — Article 30.*

Expiry date: 30 June 2021

RO-bi-FR-4

Subject: Adoption of RO-bi-UK-2

Initial reference to the national legislation: *Arrêté du 29 mai 2009 modifié relatif aux transports de marchandises dangereuses par voies terrestres.*

Expiry date: 30 January 2022

RO-bi-FR-5

Subject: Adoption of RO-bi-BE-5

Initial reference to the national legislation: -

Expiry date: 30 June 2024

RO-bi-FR-6

Subject: Transport of waste containing free asbestos

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.4

Content of the Annex to the Directive: Packing instruction P002

Content of the national legislation: Transport of waste containing free asbestos (UN No 2212 ASBESTOS, AMPHIBOLE (amosite, tremolite, actinolite, anthophyllite, crocidolite) or UN No 2590 ASBESTOS, CHRYSOTILE) from construction sites:

— the waste is transported in tipper lorries;

- the waste is packaged in large ‘container bags’ – folding bags of the dimensions of the tipper bed – that are closed tight so as to prevent asbestos fibres escaping during transport;
- the container bags are designed to withstand the stresses encountered under normal transport conditions and during unloading at the landfill site;
- the other conditions that apply under the ADR are fulfilled.

These transport conditions appear particularly suited to the transport of large quantities of waste produced by roadworks or asbestos removal from buildings. The conditions are also suited to the final storage of the waste at approved landfill sites and offer greater ease of loading and therefore better protection of workers from the asbestos compared with the conditions applicable under the P002 packing instruction in chapter 4.1.4 of the ADR.

Initial reference to the national legislation: -.

Expiry date: 30 June 2024

HU Hungary

RO-bi-HU-1

Subject: Adoption of RO-bi-SE-3

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Expiry date: 30 January 2020

IE Ireland

RO-bi-IE-3

Subject: Exemption to allow the loading and unloading of dangerous goods, to which the special provision CV1 in 7.5.11 or S1 in 8.5 is assigned, in a public place without special permission from the competent authorities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5 and 8.5.

Content of the Annex to the Directive: Additional provisions concerning loading, unloading and handling.

Content of the national legislation: Loading and unloading of dangerous goods in a public place is permitted without special permission from the competent authority, in derogation from the requirements of 7.5.11 or 8.5.

Initial reference to the national legislation: *Regulation 82(5) of the ‘Carriage of Dangerous Goods by Road Regulations, 2004’.*

Comments: For national transport within the state, this provision places a very onerous burden on the competent authorities.

Expiry date: 30 June 2021

RO-bi-IE-6

Subject: Exemption from requirement in 4.3.4.2.2, which requires flexible filling and discharge pipes that are not permanently connected to the shell of a tank-vehicle to be empty during transport.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.3

Content of the Annex to the Directive: Use of tank-vehicles.

Content of the national legislation: Flexible hose reels (including fixed pipelines associated with them) attached to tank-vehicles engaged in the retail distribution of petroleum products with substance identification numbers UN 1011, UN 1202, UN 1223, UN 1863 and UN 1978 are not required to be empty during carriage by road, provided adequate measures are taken to prevent any loss of contents.

Initial reference to the national legislation: *Regulation 82(8) of the ‘Carriage of Dangerous Goods by Road Regulations, 2004’.*

Comments: Flexible hoses fitted to home delivery tank-vehicles must remain full at all times even during transport. The discharge system is known as a ‘wet-line’ system that requires the tank-vehicle’s meter and hose to be primed so as to ensure the customer receives the correct quantity of product.

Expiry date: 30 June 2021

RO-bi-IE-7

Subject: Exemption from some requirements of 5.4.0, 5.4.1.1.1 and 7.5.11 of the ADR for the transport in bulk of Ammonium Nitrate Fertilizer UN 2067 from ports to consignees.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.0, 5.4.1.1.1 and 7.5.11.

Content of the Annex to the Directive: The requirement for a separate transport document, with the correct total quantity for the particular load included, for each transport journey; and the requirement for the vehicle to be cleaned before and after the journey.

Content of the national legislation: Proposed derogation to allow modifications to the requirements of the ADR on the transport document and vehicle cleaning; to take account of the practicalities of bulk transport from port to consignee.

Initial reference to the national legislation: *Proposed amendment to 'Carriage of Dangerous Goods by Road Regulations, 2004'.*

Comments: The provisions of the ADR require (a) a separate transport document, containing the total mass of dangerous goods carried for the particular load, and (b) the Special Provision 'CV24' on cleaning for each and every load being transported between the port and the consignee during the unloading of a bulk ship. As the transport is local and as it concerns the unloading of a bulk ship, involving multiple transport loads (on the same or consecutive days) of the same substance between the bulk ship and the consignee, a single transport document, with an approximate total mass of each load, should suffice and it should not be necessary to require the Special Provision 'CV24'.

Expiry date: 30 June 2021

RO-bi-IE-8

Subject: Transport of dangerous goods between private premises and another vehicle in the immediate vicinity of the premises, or between two parts of private premises situated in the immediate vicinity of each other but separated by a public road.

Reference to the Annex of the Directive: Annex I, Section 1.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the carriage of dangerous goods by road.

Content of the national legislation: Disapplication of the regulations where a vehicle is being used to transfer dangerous goods

- (a) between private premises and another vehicle in the immediate vicinity of those premises, or
- (b) between two parts of private premises in the immediate vicinity of each other but which may be separated by a public road,

provided that the transport is carried out by means of the most direct route.

Initial reference to the national legislation: *European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 and 2013, Regulation 56.*

Comments: Various situations can occur where goods are transferred between two parts of private premises or between private premises and an associated vehicle which are separated by a public road. This form of transport does not constitute the carriage of dangerous goods in the usual sense, and thus the regulations pertaining to the carriage of dangerous goods do not need to be applied. See also RO-bi-SE-3 and RO-bi-UK-1.

Expiry date: 30 January 2020

NL The Netherlands

RO-bi-NL-13

Subject: Scheme for transport of domestic hazardous waste 2015

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6, 3.3, 4.1.4, 4.1.6, 4.1.8, 4.1.10, 5.1.2, 5.4.0, 5.4.1, 5.4.3, 6.1, 7.5.4, 7.5.7, 7.5.9, 8 and 9.

Content of the Annex to the Directive: Exemptions for certain quantities; special provisions; use of packaging; use of over-packaging; documentation; construction and testing of packaging; loading, unloading and handling; manning; equipment; operation; vehicles and documentation; construction and approval of vehicles.

Content of the national legislation: provisions relating to the transport of small collected domestic hazardous waste as well as domestic hazardous waste from businesses, which is supplied in appropriate packaging with a maximum capacity of 60 litres. Given the small quantities involved in each instance and given the diverse nature of the various substances, it is not possible to conduct the transport operations in total compliance with ADR rules. Accordingly, a simplified variant deviating from a number of provisions in the ADR is therefore stipulated under the abovementioned scheme.

Initial reference to the national legislation: *Scheme for transport of domestic hazardous waste 2015*.

Comments: The scheme was set up to enable individuals and businesses to deposit small chemical waste at a single location. The substances in question therefore consist of residues such as paint waste. The danger level is minimised by the choice of means of transport, involving, inter alia, the use of special transport elements and 'no smoking' notices plus a yellow flashing light clearly visible to members of the public. The crucial point as far as transport is concerned is that safety is guaranteed. This can be achieved by, for instance, having the substances transported in sealed packagings so as to avoid dispersal, or the risk of toxic vapours leaking or accumulating in the vehicle. Incorporated in the vehicle are units suitable for storing the various categories of waste and providing protection against shunting and accidental displacement as well as inadvertent opening. At the same time, notwithstanding the small quantities of waste presented, the transport operator must have a certificate of professional competence, given the diverse nature of the substances involved. Because of the lack of knowledge on the part of private individuals regarding the danger levels associated with these substances, written instructions should be provided, as stipulated in the Annex to the scheme.

Expiry date: 30 June 2021

PT Portugal

RO-bi-PT-1

Subject: Transport documentation for UN 1965

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Requirements for transport documentation.

Content of the national legislation: The proper shipping name to be indicated in the transport document, as provided for in Section 5.4.1 of the RPE (Regulamento Nacional de Transporte de Mercadorias Perigosas por Estrada), for commercial butane and propane gases covered by the collective heading 'UN No 1965 hydrocarbon gas mixture, liquefied, n.o.s.', transported in cylinders, may be replaced by other trade names as follows:

'UN 1965 Butane' in the case of mixtures A, A01, A02 and A0, as described in subsection 2.2.2.3 of the RPE, transported in cylinders;

'UN 1965 Propane' in the case of mixture C, as described in subsection 2.2.2.3 of the RPE, transported in cylinders.

Initial reference to the national legislation: *Despacho DGTT 7560/2004, 16 April 2004, under Article 5, No 1, of Decreto-Lei No 267-A/2003 of 27 October*.

Comments: The importance of making it easier for economic operators to fill in transport documents for dangerous goods is recognised, provided that the safety of these operations is not affected.

Expiry date: 30 June 2021

RO-bi-PT-2

Subject: Transport documentation for empty uncleaned tanks and containers.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Requirements for transport documentation

Content of the national legislation: For the return journeys of empty tanks and containers that have transported dangerous goods, the transport document referred to in Section 5.4.1 of the RPE may be replaced by the transport document issued for the immediately preceding journey made to deliver the goods.

Initial reference to the national legislation: *Despacho DGTT 15162/2004, 28 July 2004, under Article 5, No 1, of Decreto-Lei No 267-A/2003, of 27 October.*

Comments: The obligation that the transport of empty tanks and containers that have contained dangerous goods be accompanied by a transport document in accordance with the RPE causes, in certain cases, practical difficulties, which can be kept to the minimum without prejudice to safety.

Expiry date: 30 June 2021

SE Sweden

RO-bi-SE-1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to Annex I, Section I.1 to Directive 2008/68/EC: Part 5 and 6

Content of the Annex to the Directive: Requirements for construction and testing of packages.

Content of the national legislation: Carriage of packagings containing dangerous goods as waste shall be carried out in accordance with the provisions of ADR from which only a few exemptions are allowed. Exemptions are not permitted for all types of substances and articles.

The main exemptions are:

Small packagings (less than 30 kg) of dangerous goods as waste may be packed in packagings, including IBCs and large packagings, without complying with the provisions of sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex I, Section I.1 to this Directive. Packagings, including IBCs and large packagings need not be tested as prepared for carriage with a representative sample of small inner packages.

This is permitted provided that:

- packagings, IBCs and large packagings conform to a type which has been tested and approved according to packing group I or II of the applicable provisions of Sections 6.1, 6.5 or 6.6 of Annex I, Section I.1 to this Directive;
- the small packagings are packed with absorbent material that retains any free liquid that might escape into the outer packagings, IBCs or large packagings during carriage; and
- the packagings, IBCs or large packagings as prepared for carriage have a gross mass of no more than the permitted gross mass stated on the UN design type marking for packing groups I or II for the packagings, IBCs or large packagings; and
- the following sentence is included in the transport document 'Packed according to part 16 of ADR-S'

Initial reference to the national legislation: *Appendix S — Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act.*

Comments: Sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex I, Section I.1 to this Directive are difficult to apply because the packagings, IBCs and large packagings shall be tested with a representative sample of the waste, which is hard to predict on beforehand.

Expiry date: 30 June 2021

RO-bi-SE-2

Subject: The name and address of the consignor in the transport document.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.

Content of the Annex to the Directive: General information required in the transport document.

Content of the national legislation: National legislation states that the name and address of the consignor is not required if empty, uncleaned packaging is returned as part of a distribution system.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: Empty uncleaned packaging being returned will in most cases still contain small quantities of dangerous goods.

This derogation is mainly used by industries when returning empty uncleaned gas receptacles in exchange for full ones.

Expiry date: 30 June 2021

RO-bi-SE-3

Subject: Transport of dangerous goods in the close proximity of industrial site(s), including transport on public roads between various parts of the site(s).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the transport of dangerous goods on public roads.

Content of the national legislation: Transport in the close proximity of industrial site(s), including transport on public roads between various parts of the site(s). The derogations concern the labelling and marking of packages, transport documents, driver's certificate and certificate of approval according to 9.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: There are several situations in which dangerous goods are transferred between premises situated on opposite sides of a public road. This form of transport does not constitute carriage of dangerous goods on a private road and should therefore be associated with the relevant requirements. Compare also with Article 6(14) of Directive 96/49/EC.

Expiry date: 30 June 2021

RO-bi-SE-4

Subject: Transport of dangerous goods that have been seized by the authorities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annex A and B.

Content of the Annex to the Directive: Requirements for the transport of dangerous goods by road.

Content of the national legislation: Deviations from the regulations may be permitted if they are motivated by reasons of labour protection, unloading risks, submission of evidence etc.

Deviations from the regulations are permitted only if satisfactory safety levels are met during normal conditions of carriage.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: These derogations may be applied only by authorities seizing dangerous goods.

This derogation is intended for local transport e.g. of goods that have been seized by the police, such as explosives or stolen property. The problem with these types of goods is that one can never be sure of classifications. In addition, the goods are often not packed, marked or labelled in accordance with the ADR. There are several hundred such transportations carried out by the police every year. In the case of smuggled liquor, this must be transported from the place where it is seized to a facility where evidence is stored and then on to a facility for destruction; the latter two may be quite far apart from each other. The deviations permitted are: a) each package does not need to be labelled, and b) approved packages do not need to be used. However, each pallet containing such packages must be correctly labelled. All other requirements must be fulfilled. There are approximately 20 such transportations each year.

Expiry date: 30 June 2021

RO-bi-SE-5

Subject: Transport of dangerous goods in and in close proximity to ports.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.1.2, 8.1.5, 9.1.2

Content of the Annex to the Directive: Documents to be carried on the transport unit; every transport unit carrying dangerous goods must be equipped with the specified equipment; vehicle approval.

Content of the national legislation:

Documents (except for the driver's certificate) need not be carried on the transport unit.

A transport unit need not be equipped with the equipment specified in 8.1.5.

Tractors need not have a certificate of approval.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: Compare Directive 96/49/EC, Article 6(14).

Expiry date: 30 June 2021

RO-bi-SE-6

Subject: Inspectors' ADR training certificate.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.2.1.

Content of the Annex to the Directive: Drivers of vehicles must attend training courses.

Content of the national legislation: Inspectors who perform the yearly technical inspection of the vehicle do not need to attend the training courses mentioned in 8.2 or hold the ADR training certificate.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: In some cases, vehicles being tested in the technical inspection may be carrying dangerous goods as load, e.g. uncleaned, empty tanks.

The requirements in 1.3 and 8.2.3 are still applicable.

Expiry date: 30 June 2021

RO-bi-SE-7

Subject: Local distribution of UN 1202, 1203 and 1223 in tankers.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.6, 5.4.1.4.1.

Content of the Annex to the Directive: For empty uncleaned tanks and tank-containers the description shall be in accordance with 5.4.1.1.6. The name and address of multiple consignees may be entered in other documents.

Content of the national legislation: For empty, uncleaned tanks or tank-containers the description in the transport document according to 5.4.1.1.6 is not needed if the amount of the substance in the loading plan is marked with 0. The name and address of the consignees are not required in any document on board the vehicle.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Expiry date: 30 June 2021

RO-bi-SE-9

Subject: Local transport in relation to agricultural sites or construction sites.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4, 6.8 and 9.1.2.

Content of the Annex to the Directive: Transport document; Construction of tanks; Certificate of approval.

Content of the national legislation: Local transport in relation to agricultural sites or construction sites need not comply with some regulations:

- (a) the dangerous goods declaration is not required;
- (b) older tanks/containers not constructed according to 6.8 but according to older national legislation and fitted on crew wagons may still be used;

- (c) older tankers, not fulfilling the requirements in 6.7 or 6.8, intended for the transport of substances of UN 1268, 1999, 3256 and 3257, with or without road surface coating equipment, may still be used for local transport and in close proximity to road work places;
- (d) certificates of approval for crew wagons and tankers with or without road surface coating equipment are not required.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: A crew wagon is a kind of caravan for a work crew with a crew room and fitted with a non-approved tank/container for diesel fuel intended for the operation of forestry tractors.

Expiry date: 30 June 2021

RO-bi-SE-10

Subject: Tank transport of explosives.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.4.

Content of the Annex to the Directive: Explosives may be packaged only in accordance with 4.1.4.

Content of the national legislation: The competent national authority will approve vehicles intended for tank transport of explosives. Tank transport is permissible only for those explosives listed in the regulation or by special authorisation from the competent authority.

A vehicle loaded with explosives in tanks must be marked and labelled in accordance with 5.3.2.1.1, 5.3.1.1.2 and 5.3.1.4. Only one vehicle in the transport unit may contain dangerous goods.

Initial reference to the national legislation: *Appendix S — Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act and the Swedish regulation SÄIFS 1993:4.*

Comments: This is applicable only to domestic transport and when the transport operation is mostly of a local nature. The regulations in question were in force before Sweden joined the European Union.

Only two companies perform transport operations with explosives in tank-vehicles. In the near future transition to emulsions is expected.

Old derogation No 84.

Expiry date: 30 June 2021

RO-bi-SE-11

Subject: Driver's licence

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.2.

Content of the Annex to the Directive: Requirements concerning the training of the vehicle crew.

Content of the national legislation: Driver training is not permitted with any vehicle referred to in 8.2.1.1.

Initial reference to the national legislation: *Appendix S — Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act.*

Comments: Local transport.

Expiry date: 30 June 2021

RO-bi-SE-12

Subject: Carriage of UN 0335 fireworks.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annex B, 7.2.4, V2 (1)

Content of the Annex to the Directive: Provisions for the use of EX/II and EX/III vehicles.

Content of the national legislation: When carrying UN 0335 fireworks, Special Provision V2 (1) in 7.2.4 is applicable only to a net explosive content of more than 3 000 kg (4 000 kg with trailer), provided the fireworks have been assigned to UN 0335 according to the default fireworks classification table in 2.1.3.5.5 of the fourteenth revised edition of the UN Recommendations on the Transport of Dangerous Goods.

Such assignment shall be made with the agreement of the competent authority. A verification of the assignment shall be carried on the transport unit.

Initial reference to the national legislation: *Appendix S — Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act.*

Comments: The carriage of fireworks is limited in time to two short periods of the year, the turn of the year and the turn of the month April/May. The carriage from consignors to terminals can be effected by the present fleet of EX-approved vehicles without great problems. However, the distribution both of fireworks from terminals to shopping areas and of the surplus back to the terminal is limited due to a lack of EX-approved vehicles. The carriers are not interested in investing in such approvals because they cannot recover their costs. This places the whole existence of consignors of fireworks in jeopardy because they cannot get their products on the market.

When using this derogation, the classification of the fireworks must be made on the basis of the default list in the UN Recommendations, in order to get the most up-to-date classification possible.

A similar type of exception exists for UN 0336 fireworks incorporated in Special Provision 651, 3.3.1 of the ADR 2005.

Expiry date: 30 June 2021

RO-bi-SE-13

Subject: Adoption of RO-bi-DK-4

Legal basis: Directive 2008/68/EC, Article 6(2)(b)(i) (Local transport over short distances)

Reference to the Annex I, Section n I,1 to Directive 2008/68/EC: Parts 1 to 9.

Content of the Annex to the Directive:

Reference to national legislation: Särskilda bestämmelser om visa inrikes transporter av farligt gods på väg och i terräng.

Comments:

Expiry date: 30 June 2022'

UK United Kingdom

RO-bi-UK-1

Subject: Crossing of public roads by vehicles carrying dangerous goods (N8).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the carriage of dangerous goods on public roads.

Content of the national legislation: Disapplication of the dangerous goods regulations to carriage within private premises separated by a road. For Class 7 this derogation does not apply to any provisions of the Radioactive Material (Road Transport) Regulations 2002.

Initial reference to the national legislation: *Carriage of Dangerous Goods by Road Regulations 1996, reg. 3 Schedule 2(3)(b); Carriage of Explosives by Road Regulations 1996, reg. 3(3)(b).*

Comments: A situation can easily occur where goods are transferred between private premises situated on both sides of a road. This does not constitute carriage of dangerous goods on a public road in the normal sense of the term, and none of the provisions of the dangerous goods regulations should apply in such a case.

Expiry date: 30 June 2021

RO-bi-UK-2

Subject: Exemption from prohibition on driver or driver's assistant opening packages of dangerous goods in a local distribution chain from a local distribution depot to a retailer or end user and from the retailer to the end user (except for Class 7) (N11).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.3.3.

Content of the Annex to the Directive: Prohibition on driver or driver's assistant opening packages of dangerous goods.

Content of the national legislation: Prohibition of opening packages is qualified by the proviso 'Unless authorised to do so by the operator of the vehicle'.

Initial reference to the national legislation: *Carriage of Dangerous Goods by Road Regulations 1996, reg. 12 (3)*.

Comments: If taken literally, the prohibition in the Annex as worded can create serious problems for retail distribution.

Expiry date: 30 June 2021

RO-bi-UK-3

Subject: Alternative carriage provisions for wooden casks containing UN 3065 of Packing Group III.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.4, 4.1, 5.2 and 5.3.

Content of the Annex to the Directive: Packaging and labelling requirements.

Content of the national legislation: Permits the carriage of alcoholic beverages of more than 24 %, but not more than 70 % alcohol by volume (Packing Group III) in non — UN approved wooden casks without danger labels, subject to more stringent loading and vehicle requirements.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7 (13) and (14)*.

Comments: This is a high-value product subject to government excise duty which must be moved between the distillery and bonded warehouses in secure sealed vehicles bearing government duty seals. The relaxation on packaging and labelling is taken into account in the additional requirements to ensure safety.

Expiry date: 30 June 2021

RO-bi-UK-4

Subject: Adoption of RO-bi-SE-12

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 Part 1*.

Expiry date: 30 June 2021

RO-bi-UK-5

Subject: Collection of used batteries for disposal or recycling.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Special Provision 636

Content of the national legislation: Permits the following alternative conditions for Special Provision 636 of Chapter 3.3:

Used lithium cells and batteries (UN 3090 and UN 3091) collected and presented for carriage for disposal between the consumer collecting point and the intermediate processing facility, together with other non-lithium cells or batteries (UN 2800 and UN 3028), are not subject to the other provisions of ADR if they meet the following conditions:

- They shall be packed in IH2 drums or 4H2 boxes conforming to the packing group II performance level for solids;
- Not more than 5 % of each package shall be lithium and lithium ion batteries;

- The maximum gross mass of each package shall not exceed 25 kg;
- The total quantity of packages per Transport Unit shall not exceed 333 kg;
- No other dangerous goods may be carried.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment 2007 part 1*.

Comments: Consumer collection points are usually in retail outlets and it is not practical to train large numbers of people to sort and package used batteries in accordance with ADR. The UK system would operate under guidelines set by the UK Waste and Resources Action Programme and would involve the supplying of suitable ADR compliant packaging and appropriate instructions.

Expiry date: 30 June 2021';

(2) in Annex II, Section II.3 is replaced by the following:

II.3. National derogations

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: RA-a/bi/bii-MS-nn

RA = Rail

a/bi/bii = Article 6(2) a/bi/bii

MS = Abbreviation of Member State

nn = order number

Based on Article 6(2)(a) of Directive 2008/68/EC

DE Germany

RA-a-DE-2

Subject: Combined packaging authorisation.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 4.1.10.4 MP2.

Content of the Annex to the Directive: Prohibition of combined packaging.

Content of the national legislation: Class 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Class 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 21*.

Comments: List No 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

Expiry date: 30 June 2021

FR France

RA-a-FR-3

Subject: Transport for the needs of the rail carrier.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Information concerning hazardous materials to be indicated on the consignment note.

Content of the national legislation: Transport for the needs of the rail carrier of quantities not exceeding the limits set in 1.1.3.6 is not subject to the load declaration obligation.

Initial reference to the national legislation: *Arrêté du 5 juin 2001 relatif au transport des marchandises dangereuses par chemin de fer — Article 20.2*.

Expiry date: 30 June 2021

RA-a-FR-4

Subject: Exemption from the labelling of certain mail wagons.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.3.1.

Content of the Annex to the Directive: Obligation to affix labels on the walls of wagons.

Content of the national legislation: Only mail wagons carrying over 3 tonnes of a material in the same class (other than 1, 6.2 or 7) must be labelled.

Initial reference to the national legislation: *Arrêté du 5 juin 2001 relatif au transport des marchandises dangereuses par chemin de fer — Article 21.1.*

Expiry date: 30 June 2021

SE Sweden

RA-a-SE-1

Subject: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.3.1.

Content of the Annex to the Directive: Railway carriages carrying dangerous goods must display labels.

Content of the national legislation: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: There are quantity limits in the RID for goods designated as express goods. Therefore it is a small quantity issue.

Expiry date: 30 June 2021

UK United Kingdom

RA-a-UK-1

Subject: Carriage of items containing certain low-hazard radioactive material such as clocks, watches, smoke detectors, compass dials.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: Most requirements of the RID.

Content of the Annex to the Directive: Requirements concerning the carriage of Class 7 material.

Content of the national legislation: Total exemption from the provisions of the national regulations for certain commercial products containing limited quantities of radioactive material.

Initial reference to the national legislation: *Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 1996, reg. 2(6) (as amended by Schedule 5 of the Carriage of Dangerous Goods (Amendment) Regulations 1999).*

Comments: This derogation is a short-term measure, which will no longer be required when similar amendments to the IAEA regulations are incorporated into the RID.

Expiry date: 30 June 2021

RA-a-UK-2

Subject: Easing of restrictions on transporting mixed loads of explosives, and explosives with other dangerous goods, in wagons, vehicles and containers (N4/5/6).

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 7.5.2.1 and 7.5.2.2.

Content of the Annex to the Directive: Restrictions on certain types of mixed loading.

Content of the national legislation: National legislation is less restrictive regarding mixed loading of explosives, providing such carriage can be accomplished without risk.

Initial reference to the national legislation: *Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 1996, reg. 2(6) (as amended by Schedule 5 of the Carriage of Dangerous Goods (Amendment) Regulations 1999)*.

Comments: The UK wishes to permit some variations on the mixing rules for explosives with other explosives and for explosives with other dangerous goods. Any variation will have a quantity limitation on one or more constituent parts of the load and would be permitted only if 'all reasonably practicable measures have been taken to prevent the explosives being brought into contact with, or otherwise endangering or being endangered by, any such goods'.

Examples of variations the UK may want to permit are:

1. Explosives allocated on classification to UN Numbers 0029, 0030, 0042, 0065, 0081, 0082, 0104, 0241, 0255, 0267, 0283, 0289, 0290, 0331, 0332, 0360 or 0361 may be carried in the same vehicle with the dangerous goods allocated on classification UN Number 1942. The quantity of UN 1942 that may be carried shall be limited by deeming it to be an explosive of 1.1D.
2. Explosives allocated on classification to UN Numbers 0191, 0197, 0312, 0336, 0403, 0431 or 0453 may be carried in the same vehicle with dangerous goods (except flammable gases, infectious substances and toxic substances) in transport category 2 or dangerous goods in transport category 3, or any combination of them, provided the total mass or volume of dangerous goods in transport category 2 does not exceed 500 kg or l and the total net mass of such explosives does not exceed 500 kg.
3. Explosives of 1.4G may be carried with flammable liquids and flammable gases in transport category 2 or non-flammable, non-toxic gases in transport category 3, or in any combination of them in the same vehicle, provided the total mass or volume of dangerous goods when added together does not exceed 200 kg or l and the total net mass of explosives does not exceed 20 kg.
4. Explosive articles allocated on classification to UN Numbers 0106, 0107 or 0257 may be carried with explosive articles in Compatibility Group D, E or F for which they are components. The total quantity of explosives of UN Numbers 0106, 0107 or 0257 shall not exceed 20 kg.

Expiry date: 30 June 2021

RA-a-UK-3

Subject: To allow different maximum total quantity per transport unit for Class 1 goods in categories 1 and 2 of table in 1.1.3.1.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 1.1.3.1.

Content of the Annex to the Directive: Exemptions related to the nature of the transport operation.

Content of the national legislation: To lay down rules regarding exemptions for limited quantities and mixed loading of explosives.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(7)(b)*.

Comments: To allow different limited quantity limits and mixed loading multiplication factors for Class 1 goods, namely '50' for Category 1 and '500' for Category 2. For the purpose of calculating mixed loads, the multiplication factors are to read '20' for Transport Category 1 and '2' for Transport Category 2.

Expiry date: 30 June 2021

RA-a-UK-4

Subject: Adoption of RA-a-FR-6.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.3.1.3.2.

Content of the Annex to the Directive: Relaxation of placarding requirement for piggyback carriage.

Content of the national legislation: The placarding requirement does not apply in cases where the vehicle placards are clearly visible.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7(12)*.

Comments: This has always been a UK national provision.

Expiry date: 30 June 2021

RA-a-UK-5

Subject: Distribution of goods in inner packagings to retailers or users (excluding those of classes 1, 4.2, 6.2, and 7) from local distribution depots to retailers or users and from retailers to end users.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 6.1.

Content of the Annex to the Directive: Requirements for the construction and testing of packagings.

Content of the national legislation: Packagings are not required to have been allocated an RID/ADR or UN mark.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007: Regulation 26*.

Comments: RID requirements are inappropriate for the final stages of carriage from a distribution depot to a retailer or user or from a retailer to an end user. The purpose of this derogation is to allow the inner receptacles of goods for retail distribution to be carried on the rail leg of a local distribution journey without an outer packaging.

Expiry date: 30 June 2021

Based on Article 6(2)(b)(i) of Directive 2008/68/EC

DE Germany

RA-bi-DE-2

Subject: Transportation of packaged hazardous waste.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packagings (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 20*.

Comments: List No 6*.

Expiry date: 30 June 2021

RA-bi-DE-3

Subject: Local transport of UN 1381 (phosphorus, yellow, under water), Class 4.2, packaging group I, in railway tank wagons.

Reference to Annex II, section II.1 to Directive 2008/68/EC: 6.8, 6.8.2.3.

Content of the Annex to the Directive: Provisions for the construction of tanks and tank wagons. Chapter 6.8, subsection 6.8.2.3, requires type approval for tanks carrying UN 1381 (phosphorus, yellow, under water).

Content of the national legislation: Local transport of UN 1381 (phosphorus, yellow, under water), Class 4.2, packaging group I, over short distances (from Sassnitz-Mukran to Lutherstadt Wittenberg-Piesteritz and Bitterfeld) in railway tank wagons built according to Russian standards. The transport of the goods is subject to additional operational provisions laid down by the competent safety authorities.

Initial reference to the national legislation: *Ausnahme Eisenbahn-Bundesamt Nr. E 1/92*.

Expiry date: 30 January 2020 (authorisation extended)

DK Denmark

RA-bi-DK-1

Subject: Carriage of dangerous goods in tunnels

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 7.5

Content of the Annex to the Directive: Loading, unloading and protective distances

Content of the national legislation: The legislation provides for alternative provisions than provided for in Annex II, Section II.1 to Directive 2008/68/EC regarding carriage through the rail tunnel of the fixed link across the Great Belt. These alternative provisions relate only to load volume and the distance between dangerous goods loads.

Initial reference to the national legislation: *Bestemmelser om transport af eksplosiver i jernbanetunnelerne på Storebælt og Øresund, 15 February 2005*.

Comments:

Expiry date: 30 June 2022

RA-bi-DK-2

Subject: Carriage of dangerous goods in tunnels

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 7.5

Content of the Annex to the Directive: Loading, unloading and protective distances

Content of the national legislation: The legislation provides for alternative provisions than provided for in Annex II, Section II.1 to Directive 2008/68/EC regarding carriage through the rail tunnel of the fixed link across Øresund. These alternative provisions relate only to load volume and the distance between dangerous goods loads.

Initial reference to the national legislation: *Bestemmelser om transport af eksplosiver i jernbanetunnelerne på Storebælt og Øresund, 15 February 2005*.

Comments:

Expiry date: 28 February 2022

SE Sweden

RA-bi-SE-1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to the Annex II, Section II.1 to Directive 2008/68/EC: Part 5 and 6.

Content of the Annex to the Directive: Requirements for construction and testing of packages.

Content of the national legislation: Carriage of packagings containing dangerous goods as waste shall be carried out in accordance with the provisions of this Directive from which only a few exemptions are allowed. Exemptions are not permitted for all types of substances and articles.

The main exemptions are:

Small packagings (less than 30 kg) of dangerous goods as waste may be packed in packagings, including IBCs and large packagings, without complying with the provisions of sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex II, Section II.1 to this Directive. Packagings, including IBCs and large packagings need not be tested as prepared for carriage with a representative sample of small inner packages.

This is permitted provided that:

- packagings, IBCs and large packagings conform to a type which has been tested and approved according to packing group I or II of the applicable provisions of Sections 6.1, 6.5 or 6.6 of Annex II, Section II.1 to this Directive;
- the small packagings are packed with absorbent material that retains any free liquid that might escape into the outer packagings, IBCs or large packagings during carriage; and
- the packagings, IBCs or large packagings as prepared for carriage has a gross mass of no more than the permitted gross mass stated on the UN design type marking for packing groups I or II for the packagings, IBCs or large packagings; and
- the following sentence is included in the transport document 'Packed according to part 16 of RID-S'

Initial reference to the national legislation: *Appendix S — Specific regulations for the domestic transport of dangerous goods by rail issued in accordance with the Transport of Dangerous Goods Act.*

Comments: Sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex II, Section II.1 to this Directive are difficult to apply because the packagings, IBCs and large packagings shall be tested with a representative sample of the waste, which is hard to predict on beforehand.

Expiry date: 30 June 2021

Based on Article 6(2)(b)(ii) of Directive 2008/68/EC

DE Germany

RA-bii-DE-1

Subject: Local transport of UN 1051 (Hydrogen Cyanide, stabilised, liquid, containing 1 % or less water by mass), in railway tank wagons, derogating from subsection 1 of Annex II, Section II. 1, to Directive 2008/68/EC.

Reference to Annex II, Section II. 1, to Directive 2008/68/EC: 3.2, 4.3.2.1.1.

Content of the Annex to the Directive: Ban on the transport of UN 1051 (hydrogen cyanide), stabilised, liquid, containing 1 % or less water by mass, in railway tank wagons, RID tanks).

Content of the national legislation: Local transport by rail on particular designated routes as part of a defined industrial process and closely controlled under clearly specified conditions. Transport takes place in tank wagons licensed specifically for this purpose and whose construction and fittings are continually adapted in line with the latest safety requirements. The transport process is regulated in detail by additional operational safety provisions in agreement with the relevant safety and emergency authorities and is monitored by the relevant supervisory authorities.

Original reference to national legal provisions: Ausnahmezulassung Eisenbahn-Bundesamt, No E 1/97.

End of the period of validity: 1 January 2023'

RA-bii-DE-2

Subject: local transport on designated routes of UN 1402 (calcium carbide), packaging group I, in containers on wagons.

Reference to Annex II, section II.1 to Directive 2008/68/EC: 3.2, 7.3.1.1

Content of the Annex to the Directive: General provisions for transport in bulk. Chapter 3.2, Table A, does not allow calcium carbide to be carried in bulk.

Content of the national legislation: Local transport by rail of UN 1402 (calcium carbide), packaging group I, on specifically designated routes, as part of a defined industrial process and closely controlled under clearly specified conditions. The loads are transported in purpose-built containers in wagons. The transport of the goods is subject to additional operational provisions laid down by the competent safety authorities.

Initial reference to the national legislation: *Ausnahme Eisenbahn-Bundesamt Nr. E 3/10*.

Expiry date: 15 January 2024';

(3) in Annex III, Section III.3 is replaced by the following:

'III.3. National derogations.'

